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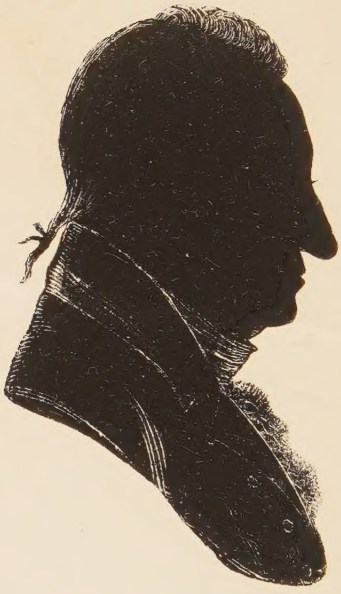

I am

Your affectionate Father

Wm Livingston

Elizabeth Town 19 January 1790

A

MEMOIR OF THE LIFE

OF

WILLIAM LIVINGSTON,

MEMBER OF CONGRESS IN 1774, 1775, AND 1776;
DELEGATE TO THE FEDERAL CONVENTION IN 1787, AND
GOVERNOR OF THE STATE OF NEW-JERSEY
FROM 1776 TO 1790.

WITH

EXTRACTS FROM HIS CORRESPONDENCE, AND NOTICES OF VARIOUS MEMBERS OF HIS FAMILY.

"Civis, senator, maritus, gener, amicus, cunctis vitæ officiis equabilis, opum contemptor, recti pervicax, constans adversus metus."

TAC. HIST. iv. 5.

BY THEODORE SEDGWICK, JUN.

NEW-YORK:

PRINTED AND PUBLISHED BY J. & J. HARPER,
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1833.

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TO WILLIAM JAY, ESQ.

OF BEDFORD, NEW-YORK.

In placing your name, my dear sir, upon the dedication-page of this memoir of your maternal grandfather, no one, I hope, will attribute to me the intention of rendering you responsible, even in a remote degree, for the deficiencies, perhaps the positive errors, of an early effort. First-fruits are not always acceptable offerings.

I have taken this liberty without your permission, flattering myself, at the same time, that whatever reception this volume may meet with in the world of critics, and however little it may add to the materials of American history, you, sir, will appreciate the motives which prompted it, and accept without reluctance this trifling tribute of the sincere regard and respect with which I am

Your obliged friend, and

Most obedient servant,

Theodore Sedgwick, Jun.

New-York, 27th January, 1833.

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PREFACE.

A FEW years after the death of Governor Livingston, proposals were issued for the publication of his works, together with a memoir of his life. The proposition was favourably received by the public, and it must be a cause of great regret to every person interested in the reputation of the subject of the following narrative, that it was not carried into execution.

At that time, the proofs of Governor Livingston's services, and of the estimation they had procured him, might have been collected on every hand. Many of his contemporaries, personal friends and acquaintance were still alive; they would naturally have taken a strong interest in his memory, and from their own familiarity with the important occurrences in which he shared, have lent an aid, which could not but be valuable, to the circulation as well of his works, as of a narrative of his life. It would then have required little skill to give his

essays and other writings a permanent place in the early literature of the country, and to frame such a memorial of his public career, as should have ever afterwards formed an important constituent of that body of revolutionary biography from which are hereafter to be drawn some of the most interesting materials of American history.

The length of time which has now elapsed since the death of Governor Livingston, puts the first of these undertakings out of the question, and renders the second extremely difficult. The controversial writings of the period preceding, and embracing the revolution, are, with a very small number of exceptions, already neglected, and any effort made at this late date to call the attention of the public at large to the claims of a writer, whose works originally appeared anonymously, or in the perishing periodicals of the day, and which have never since been republished in a collected form, would be necessarily hopeless.

The difficulties of composing such a biography of Governor Livingston, as will do justice to his memory, though not equally increased by the lapse of time, are still very material. Leaving out of view the almost inevitable dispersion of original

documents, which has been very much felt in the present instance—leaving out of view the loss of those characteristic anecdotes, of that familiar, but often most valuable information, which can only be gathered from contemporaries,—he who attempts to relate the life of any individual, however distinguished, at a distant period from that of his death, must very sensibly miss that lively interest in the subject, only to be felt by those who acted with him, and which is one of the circumstances most likely to draw the notice of the public to the work.

Posthumous fame often owes much to a happy selection of a biographer, and the warm esteem and admiration felt by one age, may never, to the great injury of a reputation, be transmitted to the succeeding generation, solely from the want of one, sufficiently able or interested, immediately to collect and imbody, in an attractive form, those fleeting but conclusive testimonials of worth and greatness.

Labouring under these disadvantages, although entertaining a hope that the following pages will be found to throw some new light, interesting, if not important, upon the early history of the

country, the expectations of the author of the present memoir are very limited: but it has been considered a task not unworthy the partiality and respect of a descendant, even at this late day, to imbody, in a distinct form, such memorials of Governor Livingston's public services and private character, as may possess some interest for those at least who claim a share in his reputation—such as may possibly also attract the attention of those who wish to obtain a correct idea of the relative importance of the men of the revolution.

In collecting the materials of the following work, I have received from various members and connexions of Governor Livingston's family, important assistance, for which I cannot express too strong a sense of obligation. Of the many others to whom I stand indebted in a similar manner, I should do myself injustice, did I not particularly mention the kind offices of Mr. Madison and Mr. Sparks, Mr. Laurens and Mr. Gilman, of South Carolina, and Mr. Carey; as well as the courtesy shown me by our late Secretary of State, and his able assistant, Mr. Campbell. Nor can I forget the aid furnished by the library of our Historical Society, under the auspices of its indefatigable treasurer, without which it would have been impossible

to give the work even as much accuracy or completeness as it now possesses.

In printing the documents contained in this volume, I have intended to follow closely the orthography of the originals, where any differences from the approved mode of the present day are peculiar, either to the time at which they were written, or to the individual. The page may have a less perfect appearance, but it seems to me contrary to the accuracy and truth of history to correct errors, which, perhaps, are only made such by the lapse of time, and which serve to identify either the person or the period.

When a hundred and fifty pages of this volume were printed, I was informed, for the first time, that a large body of original documents belonging to Governor Livingston's correspondence, which had escaped my researches, was still preserved. Had I been aware of this at an earlier day, every effort would have been tried to obtain them for incorporation into this work. But as they are intended by their possessor for publication, it has been found impossible to make any arrangement to this end. As they are said principally to belong to a period during which Governor Livingston's

letter-books are entire, they can scarcely throw any new light upon his services; but if such materials exist, and if they prove in any degree valuable, I shall greatly regret the untoward circumstance which has deprived this volume of the small merit I had hoped it might claim, that of comprising the substance of every existing document which could illustrate the character or conduct of its subject.

CONTENTS.

CHAPTER I.

The Origin of the Livingston Family—Robert, first Proprietor of the Manor of Livingston, comes to New-York—Joins the Anti-Leislerian Party in 1689—Political Reverses—His Estate confiscated in 1702—Is finally successful—Made Speaker of the Assembly in 1718—Dies—Philip, his Son, second Proprietor of the Manor - - - - - - - Page 17

CHAPTER II.

Birth and Education of William Livingston—He graduates at Yale College in 1741—Commences the Study of the Law—Letters—His Marriage—Publishes the poem of Philosophic Solitude, in 1747—Begins to practise as Attorney in 1748—Digests the Laws of the Colony in 1752—His professional Character - - - - - - - - - - 45

CHAPTER III.

Mr. Livingston edits the *Independent Reflector* in 1752—Dissensions on the Subject of the Charter of King's College—Letter relating to the French and Indians—John Morke—Mr. Livingston edits the Watch Tower in 1754—Termination of the College Controversy—Death of Mrs. Catharine Livingston in 1756 - - - - - - - - - - 74

CHAPTER IV.

Mr. Livingston publishes an *Eulogy of the Rev. Aaron Burr*—Writes *The Review of Military Operations in America*—*Verses*—Is returned to the Assembly in 1759—Cause of Forsey and Cunningham.—1764; Publishes *The Sentinel*—The Stamp Act—Controversy on the Subject of an American Episcopate—Mr. Livingston publishes a *Letter to the Bishop of Llandaff* in 1767—Letters to and from Dr. Samuel Cooper—Edits *The American Whig* in 1768–69—Publishes a *Satire* upon Lieut. Governor Colden—The Moot - - - - - - 113

CHAPTER V.

Mr. Livingston removes to Elizabethtown, New-Jersey, in 1772—Controversy relating to the Treasurer—He is sent to Congress in 1774—His Share in the Proceedings of that Body 155

CHAPTER VI.

Mr. Livingston is returned to the second Congress in 1775—His Opinions on the Subject of the Declaration of Independence—Is recalled from Congress in June, 1776—Takes Command of the Militia at Elizabethtown as Brigadier-general—Letter from Joseph Reed—Battle of Bushwick - - 178

CHAPTER VII.

General Livingston elected Governor of the State of New-Jersey in August, 1776—His Exertions to rouse the People—Battle of Trenton—Letter from Lord Stirling—Notices of that Officer's Life.—1777; Difficulties of the Government of the State—Letters from Washington and Putnam—Militia Law—The Council of Safety—Livingston's Hostility to the Tories—Letter from Brockholst Livingston—Notices of his Life—Livingston unanimously re-elected Governor in November—Contributes to the New-Jersey Gazette, under the signature of *Hortentius* 204

CHAPTER VIII.

1778; Letters to, and from, Washington and Laurens—Governor Livingston receives the thanks of Congress for his Examination of the Hospitals at Princeton and Trenton—Poetical *Address* to General Washington—Livingston re-elected Governor in November—Letter from the Baron Van Der Capellen - - - - - - - - - - - 251

CHAPTER IX.

1779; Extracts from Governor Livingston's Correspondence—February—Attack upon his House—Letters from Hamilton and Washington.—1780, May; British Orders for capture of Governor Livingston—Incursion of the Enemy into New-Jersey—Attack upon Livingston's House—His insufficient Salary—Letters - - - - - - - - - 318

CHAPTER X.

1781, Jan.; Mutiny of the Pennsylvania Line—Sacrifice of Land in Vermont—Conduct of Governor Livingston, and Letters on the subject of Passes.—1782; Letter from Sir Guy Carleton: from Jefferson.—1783; Peace—Returns to Elizabethtown 359

CHAPTER XI.

Definitive Treaty of Peace—Governor Livingston nominated Commissioner to erect the Federal Buildings—Chosen Minister to Holland—Declines—Letters on the Subject of Slavery—Livingston elected Delegate to the Federal Convention—Matthew Ridley—Disputes between the American Ministers in France in 1782 - - - - - - - - - 382

CHAPTER XII.

1787; Livingston attends the Federal Convention—His Share in the proceedings of that Body—Ratification of the Constitution

—Letter from Robert R. Livingston—Notices of him—Letter from Hamilton—Livingston receives Degree of LL.D.—Letter from Benjamin Harrison—Death of Mrs. Livingston—Livingston elected Governor for the last time—Dies, July 1790—His Character - - - - - - - 416

A

MEMOIR OF THE LIFE

OF

WILLIAM LIVINGSTON.

THE

LIFE

OF

WILLIAM LIVINGSTON.

CHAPTER I.

The Origin of the Livingston Family—Robert, first Proprietor of the Manor of Livingston, comes to New-York—Joins the Anti-Leislerian Party in 1689—Political Reverses—His Estate confiscated in 1702—Is finally successful—Made Speaker of the Assembly in 1718—Dies—Philip, his Son, second Proprietor of the Manor.

The family to which the subject of the following Memoir belongs, although not originally established in North America until more than half a century after its colonial settlement, is at present one of the most widely extended which the country contains; and through its different members, the name has acquired a reputation worthy of its numerous branches.

The first of the family who came to this country was one of the most eminent of the early inhabitants of the province of New-York, and the large entailed estates which he left to his descendants carried with them, until the time of the Revolution, influence and importance. Since the fortunate

period of the abolition of all hereditary and exclusive privileges, the weight of rank and wealth has been well exchanged for the more desirable, but less easily acquired power derived from character and talent.

The name of Livingston is attached to the Declaration of Independence and to the Federal Constitution; it is honorably associated with our foreign diplomacy, our domestic politics, and our judicial history, and there has been perhaps no time in our annals when its respectability has not been supported by some conspicuous individual. It is at present borne by one who, as a legislator, a jurist, and a statesman, has increased the reputation it had previously acquired.*

I have spoken of the first of the family of Livingston who came to this country, the grand parent of the subject of the present narrative; and as there is nowhere to be found any connected sketch of his life, a short space will be here allotted to such a narrative of his history as may be found interesting, at least to the large circle of those who draw their descent from him—such as, from its connexion with our early colonial annals, may perhaps not prove altogether tedious to the general reader.

Robert Livingston, son of John Livingstone, eminent in Scottish church history, and Barbara Fleming, was born at Ancram, a village on the

* The names of Robert, Philip, William, Robert R., and Edward Livingston free the text from all imputation of panegyric.

Teviot, in Roxburghshire, Scotland, on the 13th December, 1654, while his father was a minister of that parish.*

* I here subjoin some particulars respecting the father and more remote ancestors of the first American Livingston, which, though they have no immediate connexion with the text, may nevertheless prove not unacceptable to the few persons curious in such matters.

The ancient and distinguished Scottish family of Livingstone, or, as the name is now written, Livingston, is said to derive its origin from an Hungarian gentleman of the name of Livingius (vid. Anderson's Genealogies), who accompanied Margaret, the sister of Edgar Atheling, and wife of King Malcolm Canmore, from his native country to Scotland, about the period of the Norman conquest. In the reign of David the First of Scotland (1124–1153), says a tradition, which seems not to pay a scrupulous regard to the usual duration of human existence, this same individual received a grant of lands in West Lothian, which was created a barony, and named after the proprietor. This estate was transmitted through his descendants for nearly four hundred years, when in the reign of James IV. (1488–1513) Bartholomew Livingston dying without issue, the direct line became extinct.

A collateral branch had however in the mean time acquired wealth and consequence, and it is from this that the Earls of Linlithgow in Scotland, and the Livingstons of America are descended. In the reign of David II. (1329–1370), Sir William Livingstone, Kt., marrying Christian, daughter and heir to Patrick de Calendar, Lord of Calendar, in the county of Stirling, received that barony with her. His grandson John had, besides his eldest son Alexander, two others, Robert, the ancestor of the Earls of Newburgh, a title illustrated by "Granville's Mira" (see Mrs. Jameson's Loves of the Poets, from the exquisite taste and fancy of which, I wish it were permitted to borrow somewhat to enliven the barrenness of my subject), and William, progenitor of the Viscounts of Kilsyth.

It is not unreasonable to infer, from Livingston's knowledge of the Dutch language, that he accompanied his father in his flight to Holland shortly after the restoration of Charles II. If this be so, his

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The article in Nichol's British Compendium (2d Ed. Lond. 1725), from which this account is so far drawn, is got up with a considerable show of accuracy, and was perhaps compiled from the traditions communicated to the editor by some member of the family. History steps in, to lend us, descending from this period, her less doubtful aid. Sir Alexander Livingstone, of Calendar, just mentioned, was in 1437, on the death of James I., appointed by the estates of the kingdom joint regent with Crichton, during the minority of James II. He not long after (vid. Aikman's Buchanan, ii. 117) yielded to the formidable power of the young Earl of Douglas, his property was confiscated (but subsequently restored), and his son brought to the block. His other son, James, who succeeded his father in the barony of Calendar, was created Lord Livingston. He died in 1467. The lordship of Livingston appears to have been one of the more important baronies. In the list of members of the Scottish parliament for the year 1560, I find the name of Livingston, and this is the parliament which, upon petition, admitted the lesser barons to the privilege of voting, which they had not before enjoyed. (Robertson's Hist. App.)

William, the great-grandson of the last-mentioned James, and fourth Lord Livingston, married Agnes, daughter of Sir Patrick Hepburn, of Waughtenn, or Patrick Lord Hales [perhaps the same individual is meant by these different appellations], and from him the Livingstons of this country are descended, through his second son Robert, who was slain at the battle of Pinkiefield. Alexander, his eldest son, succeeded to the title, and it is his daughter who was one of the "four Maries" that accompanied the Scottish queen to the French court (vid. Chalmer's Hist., and Mrs. Jameson's Cel. Fem. Sov.):—

selection of a residence in the New World may be easily accounted for by the connexions formed in the old. New-York, though no longer a Dutch colony, was still an object of interest and affection to the

---

Last night the queen had four Maries,
To-night she'll hae but three;
There was Mary Seaton, and Mary Beaton,
And Mary Livingstone and me.

In the person of Alexander, the seventh lord, the barony was exchanged for an earldom, he being in 1600 created by James VI. Earl of Linlithgow. The title in full ran thus: "Earl of Linlithgow, Lord Livingston of Almont, hereditary keeper of the King's Castle at Linlithgow, hereditary Bailiff of the Bailiwick there belonging to the Crown, hereditary Sheriff of the County of Stirling, and hereditary Governor of Blackness." The second son of the first Earl of Linlithgow was created Earl of Calendar, which title finally fell into the former, in the person of its last possessor.

The earldom of Linlithgow remained in the family for more than a century, and was transmitted through five descendants. They distinguished themselves by their grateful attachment to the house of Stuart, from whom they had derived their honours, they shared their dangers during the civil wars, and were rewarded with offices of dignity and consequence when the times permitted it. They appear to have been generally in possession of some considerable civil or military post, and the name repeatedly occurs on the list of the privy council. The head of the family was in arms with Dundee, in 1688–9, and the devotion of Anne, the daughter of the last earl, to the same cause, resembles in its romantic details the events of an earlier date. She is said to have brought over her husband, the unfortunate Earl of Kilmarnock, to support the interests of the Pretender, and to have gained the battle of Falkirk, in 1746, for her party, by using the influence of her wit and beauty to detain Hawley at Calendar House until too late to take command of his troops.

Hollanders, and Livingston possessed peculiar advantages in transferring his abode to a province with the two principal languages of which he was familiar.

It is, perhaps, now impossible to discover with

In the year 1715, James, last Earl of Linlithgow and Calendar, who in 1713 was chosen one of the peers of the United Kingdom, true to his hereditary faith, joined the Earl of Mar. On the failure of that nobleman's enterprise, his title and estates were forfeited, together with their attendant rights and privileges. This earldom has not, like many of the Scottish peerages, been restored. The present heir declines, it is said, the barren and expensive honor.

We now return to William, the fourth Lord Livingston. His second son, Robert, who fell at the battle of Pinkiefield in 1547, is, as has been already stated, the reputed ancestor of the family in this country. Here occurs one of those tantalizing difficulties of so common occurrence in deducing pedigrees—

> " —— quære ex me quis mihi quartus
> Sit pater, haud prompte, dicam tamen, adde etiam unum,
> Unum etiam, terræ est jam filius."

By one statement this Robert is made the grandfather, and by another the great-grandfather of John Livingston, the parent of the first in America. Be this important question settled as it may, —and it seems probable that the second supposition is nearer truth, —the individuals intervening between Robert and John appear to have been ministers of the Church of Scotland, and to have left no more conspicuous memorial of the exercise of their sacred functions than may be found in their parish records. With John Livingston, however, the case is different. He appears to have possessed both power of intellect and vigour of resolution, and his name ranks high in the annals of the Scottish Church.

He was born at Monyabrock, in Stirlingshire, 21st June, 1603. In the year 1630, while chaplain to the Countess of Wigtoun, he delivered at the kirk of Shotts a sermon, where his

precision the date of his arrival in this country; there is reason to believe that it was not long after the year 1672, when the death of his father must have diminished his inducements to remain in

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eloquence, assisted it may be by the predisposition of his audience, produced an extraordinary effect.—(Vide Fleming upon the fulfilling of the Scriptures. Ed. 1681, p. 348.) Shortly after this he was called to the church of Killinchie, in Ireland. Here he was harassed on account of his nonconformity, and desirous of enjoying his religion unmolested, he embarked on board a vessel bound for the Massachusetts' Bay. Being driven back, however, by contrary winds, the resolution was abandoned, and in 1638, Livingston was settled at Stranrawer, in Scotland. In 1648 he removed to Ancram, in Teviotdale, where his son Robert was born, by his wife the daughter of Bartholomew Fleming, a merchant of Edinburgh.—(Kirkton's History of the Church of Scotland, p. 52.)

In March, 1650, Livingston was sent as a commissioner to Breda, to negotiate terms with Charles II. for his return.—(Vide Rapin, vol. ii. p. 579; and Whitelock's Memorials, p. 484.) After the Restoration, being again persecuted for nonconformity, he left his native country, and accompanied, as there is little doubt, by his son Robert, established himself at Rotterdam, in Holland. Here he began to publish an edition of the Bible, which he did not live to complete. He died on the 9th of August, 1672. I know not whether it is from him that those of the name still in Holland draw their origin.

The Memoirs of John Livingston, written by himself, and of which the original MS. is said to have been brought to this country by his son (vide Smith, Hist. N. Y. ed. 1814, p. 150, note), was published at Glasgow in 1754; but I have in vain endeavoured to obtain a printed or manuscript copy of it. Many more details of the life of this divine than are here given might be gleaned from Woodrow, Cruikshank, and the other voluminous annalists of the Church of Scotland.

Europe. He was certainly here, however, as early as February, 1676;* at which time we find him Secretary to the Commissaries† who then superintended the affairs of "Albany, Schenectade, and the parts adjacent,"—an office the duties of which could not have been discharged without an intimate knowledge of the Dutch and English languages, as the Records themselves show. Between the years 1678 and 1683, and probably about 1679, Mr. Livingston married Alida, widow of the Patron Nicholas Van Renselaer, daughter of Philip Pieterse Schuyler, and sister of Peter Schuyler, distinguished in our colonial annals, thus associating himself with two of the first families of the province.

The Record to which I have already referred, shows Livingston to have regularly discharged the duties of his secretaryship until July, 1686, when Albany being made a city, the Board of Commissaries was dissolved. Livingston and his brother-in-law, Schuyler, were deputed to receive the Charter from Governor Dongan; and the former was immediately appointed town-clerk under it. The duties of this office probably closely resembled those of his previous charge. The reception of the charter is thus commemorated in one of the early Records of the city of Albany:—

"In nomine Domino Jesu Christi—Amen. Att a meeting of ye Justices of ye Peace for ye county of

* Vide Records of Common Council of Albany.

† "Commandeuren Commissarissen."

Albany, y^e^ 26th day of July, 1686, Pieter Schuyler, gent., and Robt. Livingston, gent., who were commissionated by y^e^ towne of Albanie to goe to New-Yorke and procure y^e^ Charter for this Citty, which was agreed upon between y^e^ Magistrates and y^e^ Right Hon. Col. Thos. Dongan, Gov.-Genl., who accordingly have brought the same, and was published with all y^e^ joy and acclamation imaginable; and y^e^ said two gentlemen received y^e^ thanks of y^e^ Magistrates and Burgesses for their diligence and care in obtaining the same."

Before this period, however, Mr. Livingston had laid the foundation of the subsequent fortunes of himself and his family. The original grant or patent by which the large purchases of land which he had already made from the Indians were incorporated into the Manor and Lordship of Livingston, bears date the 22d of July, 1686. The privileges annexed to the grant, at this time, were the holding a Court-Leet and a Court-Baron, with the right of advowson of all the churches within its boundaries. The tenants were also allowed to choose assessors of taxes. The estates which Livingston thus early acquired were not, however, to be finally secured until after repeated contests with private and official enmity; and a brief account of these contests, in which his ultimate success was complete, will form the principal portion of this section of my narrative.

During the three following years, Livingston appears to have resided in Albany, constantly and

quietly occupied in the discharge of his office, or rather offices; for by a later Record we learn that, with the customary concentration of labours and honours, in a sparse population, where both the duties and compensations are trifling, and where persons of education are not readily to be met with, the place of farmer of the excise was annexed to his clerkship. Thus, too, we find that Schuyler, on being elected mayor under the new charter, was also invested with the dignities of "Clerk of the market and Coroner of the city and county of Albany."

In 1689, when the ambition or fidelity of Leisler—the imperfect annals of the period permit no other than an ambiguous expression—convulsed the province of New-York, and sowed the seeds of private animosity and political discord, which lasted, as her historian informs us, for nearly three-quarters of a century,* Livingston attached himself to the opponents of the self-elected governor—a party comprising most of the aristocracy of the colony, but who, though finally successful, were at first completely overpowered by the vigorous measures of their humbler antagonists. The truth about Leisler appears to be, and it is made more intelligible by Colden† than Smith, that the "Dutch boor," as he was termed by his haughty opponents, supported by the mass of the lower orders, antici-

* Smith. Ed. 1830, vol. i. p. 97.

† Hist. Five Ind. Nations.

pated the aristocracy of the province, who may not unreasonably be supposed to have been attached to the Tory *Régime*, in declaring allegiance to William and Mary. He naturally thought that he deserved some reward for his loyalty to the revolutionary dynasty; but his antagonists, although they soon acknowledged the new sovereigns, were by no means willing to yield the ascendency to a man of low birth and inferior talents. This satisfactorily accounts for the opposition of the Schuylers, the Bayards, the Courtlandts, and the Livingstons. Their opposition perhaps drove him into unwarrantable excesses, as it certainly led them. His execution was a severe, and apparently an unjustifiable measure. The continuation of the Leislerian and Anti-Leislerian factions, subsequent to this period, is rendered intelligible, when we are told that the governors fomented the party-spirit with a view to their own influence. It may also be said, that as far as these factions had any principles of a general character that can be traced, the Leislerians appear to have been the more, and their opponents the less, democratic party.

Upon the overthrow and general disorganization of his faction, Livingston took refuge in one of the neighbouring provinces, to avoid the active pursuit that was made after him, or partly, perhaps, as Smith says,* with the design of soliciting

* Ed. 1830, vol. i. p. 98.

aid for the protection of the northern frontiers of his colony against the French and Indians. On the 25th October, 1689, we find Livingston acting as secretary to the convention held at Albany, which, while it acknowledged the sovereignty of William and Mary, declared itself independent of Leisler. This, connected with his prominent situation in that city, was doubtless the cause of the indignation of the dominant party, but the ostensible reason of the persecution he experienced is to be found in a letter preserved in the office of the Secretary of this State. It is dated Albany, 15th January, 1689–90, and directed to "Mr. Jacob Milborne, secy. at Ffort William, in New-York." What I have referred to is contained in the postscript, which runs thus. "About the beginning of April last past, Ro: Livingston towld me that there was a plott of robbery gon out of Holland into England, and the Prince of Orringe was the hed of them, and he might see how he got out againe, and should come to the same end as Mulmouth (Monmouth) did, this I can testify.—Richard Pretty."*

In the month of March subsequent to the writing of this letter, a warrant reciting the above charge was issued by Leisler, for the apprehension of Livingston, as "a rebell who, by his rebelliones, hath caused great disorder in the county of Albany, and alsoe in the whole province," and officers

* Pretty had been Sheriff of Albany in 1687, and was subsequently reappointed to the same office by Leisler.

to execute it were despatched both to Hartford and Boston. The validity of Leisler's order was acknowledged by Treat, governor of Connecticut (no return appears from Boston), and Livingston's safety seems to have been for some time precarious. But in this situation, whatever it may have been, he did not remain long: on the arrival of Sloughter as governor in March, 1691, the short-lived power of Leisler came to an end, his adherents were degraded and dispersed, and his opponents recalled. This commencement of Mr. Livingston's political career was not unattended, however, by actual loss as well as danger, if we are to suppose that he alludes to his sufferings in the Anti-Leislerian faction, in a statement laid before the council in May, 1692, in which he says "that he has expended his whole estate in their Majesties' service." This, at any rate, shows the low estimate he made of his manor.

In the autumn of 1694, thinking it necessary to go to England to advance his interests at home, Livingston resigned the offices which he held at Albany, and shortly afterwards sailed on his destination. If we may credit the family tradition, his voyage was disastrous; he was shipwrecked on the coast of Portugal, and compelled to cross Spain and France by land. This anecdote is in some measure corroborated by the change in the Livingston coat of arms, which have, so far back as they can be traced in this country, borne for crest,—and it is said that the alteration was made

by him in commemoration of this event,—a ship in distress, in lieu of the original demi-savage, still borne by the family in Scotland. In allusion to this incident, it is said also that he changed the motto, adopting, instead of that of the Scottish family, SI JE PUIS—SPERO MELIORA.

Livingston probably remained in England little more than a year, for in September, 1696, I again find him in New-York.* On his return he brought with him a nephew, whose name frequently occurs on the council minutes as Robert Livingston Junior, and who was also the head of a large family. This branch was inferior to the elder in wealth and consequence, and makes little figure in our colonial history. The time passed by Livingston in England was actively spent, and his personal solicitations and representations to those who had the direction of colonial affairs, laid the foundation as well of his subsequent success, as of his immediate misfortunes. He at this time procured a royal commission, dated 27th January, 1695–6, confirming him in the employments of collector of the excise, receiver of the quit-rents, town clerk, clerk of the peace, and clerk of the common pleas, for the city and county of Albany; and, "in consideration of the long and faithful services to the crown, for many years past, performed in all treaties and negotiations with the Indians," appointing him secretary or agent of

* Council minutes in office of Secretary of State, vol. vii.

the government of New-York in their transactions with the native tribes.

Livingston also embraced this opportunity to lay before the privy council an information against Fletcher, Governor of New-York, charging him with arbitrary exercise of power, an allegation fully borne out by history; and with misapplication of the public moneys. At the same time, with the activity which evidently formed a prominent constituent of his character, he procured for Kidd, afterwards notorious as a pirate, through the influence of the Earl of Bellomont, a commission authorizing him to fit out a privateer's-man, for the purpose of driving the Bucaneers from the Atlantic seas. Kidd, as is well known, betrayed his trust, turned Bucaneer himself, and thus Livingston nearly became accessory to the overthrow of a ministry, and the ruin of the principal whigs of the day.*

The charges exhibited against Fletcher were referred by the lords of the privy council to the council of New-York, and as the majority of this body were usually, and at this time in particular,† devoted to the governor, it is scarcely reasonable to suppose that they received an impartial con-

* For a more full account of this transaction and its consequences, some of which were like to have been sufficiently serious, vid. Smith's Hist. N. Y., vol. i. p. 142. Watson's Annals of Philad. p. 459. Cobbett's Parl. Deb., vol. v. p. 1258, and Burnet's Hist. vol. iii. p. 327. p. 368, et seq.

† Smith, vol. i. p. 155.

sideration. If this be not so, we must adopt an opinion unfavourable both to the justice and sagacity of Mr. Livingston, for the accusation was disregarded, and the council drew up a report, requesting the governor to lay before the king their objections to Livingston's exercising the offices under his commission; stating that he was an alien born, and at the same time recommending that Fletcher should suspend him from the enjoyment of all his places of profit until the royal pleasure might be known.* This took place in

* The charge of alienism, founded probably on his long residence in Holland, Mr. Livingston prepared himself to refute, by procuring proof from Scotland; and a letter written by his brother in relation to this subject, may be found not altogether uninteresting. The only notice that I have met with of the writer, is in Woodrow's History of the Church of Scotland, vol. ii. b. 5, anno 1682, where he is spoken of as "son to that shining light, Mr. John Livingstone, of Ancram." This letter, as I am told, was found by the late General Henry Livingston, among some old papers belonging to the family at Ancram, on the Hudson River, and is here printed from a copy made in 1811:—

"*Edinburgh*, 13*th of December*, 1698.

"Dear Brother,

"I have yours of the 20th of September last from New-York; it came to hand with the printed 'Narrative of the Five Indian Nations,' then treating with the Earl of Bellomont, your Governor, under cover of Mr. Hacksham, the 28th of November, for which I am much obliged to you. It was in my last I sent to Mr. Hacksham an attestation under the hand and seal of our magistrate, of your being a native of this country, but had no account from him what use he had made of it. I did then write

September, 1696. In April, 1698, Lord Bellomont arrived as governor, and from his personal friendship, or sense of justice, Livingston immediately obtained that which his own endeavours had thus

him yt I purposed to procure your coat-of-arms, and the Lyon Heraul's warrant, and your birth-brief; and desyred to know if he had effects of yours, yt I might draw for about 7 or 8*l.* that I found it would cost; but had no answer, so have forborne it hitherto; but have prepared it so far that I find you are the son of Mr. John, whose father was Mr. Alexander; and Mr. Alexander, his father was Robert, who was killed at Pinkiefield in 1547, and was brother german to Alexander Lord Livingston: their father was William, the fourth Lord Livingston, and the eighth of the house of Callender; he was married to —— Hepburn, daughter to Sir Patrick Hepburn of Waughtenn; so that your propper coat to be given you is this enclosed, which is thus emblazoned; viz.—Quarterly, 1st and 4th, Argent, three gilliflowers Gules, slipped propper within a double tressure umber florevest, the name of Livingston; 2d, quartered first and last Gules, a chifron Argent, a role between two lyons counter-rampant of the field; 2d and 3d, Argent, three martletts Gules, the name of Hepburn of Waughtenn; 3d quarter Sable, a bend between six billets Or, the name of Callender; your liveries is green faced up, wh whytt and red, green and whytt passments.

"I would cause cutt you a seal with this coat-of-arms, having one James Clark, a very honest man, who is graver to our mint-house here, and the most dexterous in that art, but could not get a steel block to cut upon.

"There is great alterations among us: my sister Jeanet dyed in August, 1696;—our brother-in-law, Mr. Russell, came home in August, '97, and was very sicklie; he dyed in Novr. after, without leaving any testament of his will, so that his only son James is left as low as any of his daughters; two of them were married in his own tyme, but neither with his nor my

far failed of effecting. In September, 1698, he was called to a seat in the council board, and in the autumn of 1700, his commission being confirmed, he was permitted to enter upon the discharge of his various offices.

This glimpse of favour was, however, but transi-

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sister's good liking; but they refused to submit, and accordingly were but meanly provided; the three sisters yt were yet unmarried did choose James Dimlip and me curators, but have not taken our counsell upon their marriages, their great tochers have made them a prey. He left towards ten thousand pounds sterling, but in such confusion yt there will be little credit by it. All shall writt more at length. This I send wh some letters from my brother, direct to Mr. Hacksham. My entire love to your second self, and your dear children, and to nephew Robert—tell him to writt to me.

"I am your loving and most affectionate brother,

"WILL. LIVINGSTON.

"I have written to a friend in Linlithgow, and to David Jameson, and spoke in full to send attestations of what you desyre over to the people you direct, and expres thereof to yourself."

There is no reason of which I am aware to question the authenticity and general accuracy of the above letter; but it undoubtedly contains genealogical as well as heraldic blunders. The former, to which I have already alluded, it might require some care to prove; but the latter may be detected by a reference to the second volume of Nichol's British Compendium. "Hereof," as Lord Coke has it, when discussing the shield of Littleton—"hereof much might be said, but it belongs unto others."

tory. On the death of Lord Bellomont, in March, 1701, the whole aspect of Livingston's fortunes was changed. Nanfan, the lieutenant-governor, being at this time absent, the council immediately split into two factions, which reviving or retaining their original designations, termed themselves Leislerians and Anti-Leislerians. The former insisted that the government now of right devolved upon the majority of the council, while the others maintained that it belonged to Smith, the eldest member of the board, as President. The question was determined by the House of Assembly, and finally by the Lords of Trade, in favour of the former party, and Mr. Livingston found, that both in the council and the legislature, the feeble minority to which he belonged was no longer able to protect him against his political antagonists, many of whom by his zealous opposition had been made personal enemies.*

The party now in power were not long idle. Commissioners had been already appointed to examine the accounts of those who had received, in the capacity of agents, any of the public moneys, and Livingston, as having had in his hands the greatest sums, was the first directed to appear before them.† He, for some time, refused to obey this order, as his accounts and vouchers had been in 1698 commanded by Lord Bellomont into his

* Smith. Ed. 1814, p. 160.

† Council Minutes, 15th April, 1701, and Journal of N. Y. Assembly, 28th Aug. 1701.

own possession, from the clerk of the council, and could not, as it seems, be obtained from the Countess, his widow.* At length, however, in compliance with their repeated directions, he went before the commissioners, but was, for the reasons already mentioned, entirely unable to make a satisfactory statement.† The board of inquiry reported his excuses frivolous, and recommended to the assembly the confiscation of his estate. While this matter was still pending [13th Sept.], another charge was raised by the commissioners against Livingston, alleging that he had privately solicited the Indians to express a desire that he should go to England to advocate their interests. This accusation, which implied a gross departure from his duty as government-agent, does not appear to have been supported by any proof; for he was called upon to clear himself of the charge by oath—"an insolent demand," says Smith, "which he rejected with disdain." The language of the commissioners' report is: "he refused, saying he thought it not worth his while to do the same."‡

Upon this contumacy, the assembly petitioned the lieutenant-governor to advise his majesty to remove Livingston from his secretaryship, and in the mean time to suspend him from his other

* Bradford's N. Y. Laws, Ed. 1726, p. 318, "An Act to repeal an Act," &c.

† Journ. N. Y. Assemb. 30th Aug. and 1st September, 1701.

‡ Journ. Assemb. 13th Sept. 1701.

offices; and proceeding themselves to execute the punishment they had so long threatened, an act was passed on the 15th September, 1701, entitled "An Act to oblige Robert Livingston to account, &c."* This law enumerates his various offences, makes his property liable to the amount of £17,000, and in consideration of "other vast sums" received by him, goes on to declare his whole estate, real and personal, confiscated by the 25th of March, 1702, unless he deliver in a full and satisfactory account before that time. The days of grace expired. Livingston's estate was confiscated, an inquest found by the escheator-general of the province, and exerting their malice or rigour to the utmost, his enemies, on the 27th of April following, procured his suspension from the council board.†

Livingston's fortunes were at this time at their lowest ebb. Deprived of his estate, the labour of thirty years undone, and a stigma branded upon his character, it may be considered almost certain that had the party, at this time in power, long retained their ascendency, the interest attached to his name and his misfortunes would have gradually died away; the all-important papers might have been mislaid or destroyed, and the adventurous Scotch-

* The name is spelled, erroneously, Levingston, throughout this act. It may be here mentioned, that at the earliest date at which we find the name of this individual written by himself, it is spelled as now, Livingston. He dropped the final *e* used by his father.

† Council Minutes, vol. viii.

man would have left to his descendants only an inheritance of poverty and disgrace.

The arrival of Lord Cornbury in May, 1702, once more changed the scene. That governor embraced the cause of the Leislerians, and this determination put an end to the long and harassing struggles of Mr. Livingston. His vouchers and other papers were immediately commanded from the Countess Bellomont.* On the 18th June they were submitted to a committee for examination, and on the 2d Feb. 1703, being found satisfactory, his estates were restored.† In September, 1705, he received from Queen Anne a commission, to obtain which it is uncertain whether he did not again go to England, reinstating him in all his former appointments.‡

After this period, we for some time do not meet with any notices of Mr. Livingston, and there is no reason to doubt that he remained quietly occupied in the discharge of the various offices of which he was now in the secure possession. His residence during this period it is difficult to ascertain. It is said that he built a house for his own use on his estate, as early as 1692. He certainly resided there in 1711.‖

In the year 1715, the grant of Livingston's

* Bradford's N. Y. Laws. Ed. 1726, p. 318.

† Council Min. vol. ix. 12th Nov. 1702.

‡ C. M. vol. x. 3d Oct. 1706.

‖ Vid. Letters to George Clarke,—on file in the office of the Secretary of this State.

manor was confirmed by the royal authority, and the additional privileges of electing a representative to the General Assembly of the colony, and two constables, were conferred upon the tenants. The advantage in effect resulted to their lord; and this manor, till the revolution, belonged strictly to that pernicious class of institutions, close boroughs, which gave way with us instantly before the equal influences of republicanism; but which, from the more congenial soil of England, half a century has hardly extirpated.

Of the manors created in the province of New-York, the principal of which were those of Rensselaer, Livingston, Courtlandt, Philipsburg, and Beekman, that of Livingston was, with the exception of the first, the largest, though not comparatively the richest or most valuable. It originally comprised between one hundred and twenty and one hundred and fifty thousand acres, commencing about five miles south of where the city of Hudson now stands, running twelve miles on the Hudson river, extending back to the line of Massachusetts, and widening as it receded from the river, so as to embrace not far from twenty miles on the boundary of the latter colony. Five or six thousand acres were taken from it as a settlement for the Palatines who came out with Governor Hunter, in 1710, and called German-Town. This purchase was, it is said, made by the crown for the sum of two hundred pounds sterling, which, if it may be con-

sidered as an average price, though as the result of a government transaction it was probably a high one, gives the whole manor a value of between twenty-five and thirty thousand dollars. This is to be looked upon, however, as a nominal estimate; for even a generation after this, the dower of the widow of Philip, the second proprietor in this extensive estate, is said to have been but £90 currency, per annum, or about two hundred and fifty dollars. Governor Livingston, speaking of it in a letter to the son of the last proprietor, dated 10th Nov., 1755, says, "Without a large personal estate, and their own uncommon industry and capacity for business, instead of making out of this extensive tract of land a fortune for their children, it would have proved both to your and my father but a competent maintenance."

Thirteen thousand acres, or thereabouts, were set off by the last will of Robert, the first lord, to form the lower manor of Clermont, which was given to his youngest son, Robert, the grandfather of the late Chancellor Livingston. The bulk of this extensive property was devised in tail, and transmitted through the two next generations, in the hands of the eldest son and grandson, Philip and Robert. On the death of the latter in 1790, the estate being divided, the shares of his four sons were understood to amount to about twenty-eight thousand acres, some further deductions having

been previously made, by the running of the line between this state and Massachusetts.*

In June, 1716, Livingston was returned from his manor to the colonial Assembly (in which body he appears to have sat in 1711 for the city and county of Albany); and Smith speaks of him as one of the most active members. At the same time he afforded material assistance to Governor Burnet in his administration of the Indian interests.† The only published production of Livingston's pen is the Address of the Assembly to Governor Hunter, on his leaving the province in 1719, which by Smith‡ is attributed to him, in conjunction with the eccentric Lewis Morris.

In 1718, on the resignation of Nicoll, Livingston was chosen Speaker of the Assembly, and this situation he retained till obliged by ill health, in 1725, to relinquish it; whereupon the house "desired he would nevertheless assist them as a member as often as his state of health would permit during his stay in town." Subsequent to this I

* I have not met with any information respecting the Livingston Manor, on which I place perfect reliance. The principal facts stated in the text are, however, I believe, sufficiently accurate, and if those more conversant with the subject detect me in error, I have but to solicit a charitable construction for deficiencies that could only have been supplied by a toilsome examination of ancient documents, of the existence of which I am not certain, and the perusal of which might scarcely be worth the time and trouble it would involve.

† Smith, vol. i. pp. 208, 249.

‡ Vol. i. p. 227.

have been able to find no notices of Mr. Livingston. His death probably took place in the course of this or the following year.

Such, compiled from uncertain traditions, our early records, the sparing notices of the historian, and the other documents to which reference has been made, is the meagre, unsatisfactory, and often conjectural account, that I have been able to collect of the first of the family of Livingston in this country. Its various details may be occasionally questionable; but the general features of the character and career of this enterprising man are so marked that they may be easily recognised even at this distance of time. At three distinct periods of his life we see him exposed to the rancour of personal and political enemies, eager to retaliate upon him the zeal with which he had opposed their projects. In each instance he appears to have baffled their designs, and to have acquired increased importance. Finally we find him occupying till immediately before his death one of the most distinguished stations in the province.

By his wife Alida, Robert Livingston had several children,* and owing to the death of the eldest son, Philip, the second, succeeded to the manorial estate.

Of this, the second lord or proprietor of the

* John, who died young, Philip, Gilbert, Robert, Margaret, married to Col. Samuel Vetch, and Johanna, the wife of Cornelius Van Horne.

manor of Livingston, there is but little information to be given. His inherited property gave him with his contemporaries rank and consequence, which he appears to have sustained by a life of industry, regularity, and decorum. He was born at Albany in the year 1686. In that city he passed a considerable portion of his life, and was at one time connected with its municipal government. He was for some time Deputy Secretary of Indian affairs under his father, and on the resignation of the latter in 1722, was appointed agent. As early as 1709 he was returned to the Assembly from the city and county of Albany, and in 1710, he appears to have been at the taking of Port Royal.* At a later date he bore the rank of colonel in the provincial forces.

In October, 1725, he was called to a seat in the council, and this office he retained during his life. In 1737 Mr. Livingston was appointed one of the commissioners to run the line between New-Hampshire and Massachusetts, and presided in the board.† His death, which took place in 1749, will be spoken of hereafter. He married Catharine Van Brugh, daughter of Captain Peter Van Brugh of Albany, and a member of a respectable Dutch family often mentioned in our early annals,‡ and

* Vid. Halliburton's Nova-Scotia, vol. i. p. 88.

† Belknap's New-Hampshire, Ed. 1813, vol. ii. p. 112.

‡ Carel Van Brugge was Vice Commander or Lieut. Governor under Peter Stuyvesant in 1648. Vid. Vanderkemp's Dutch Records, vol. v. p. 74.

who was himself for some time a member of the Assembly and a commissioner of Indian affairs. By this lady, Mr. Livingston had a large family. Robert, who succeeded him in the manor, Peter Van Brugh, an eminent merchant of New-York, who at an early period of the revolutionary struggle embraced the American side, Philip, the Signer of the Declaration of Independence, John, also a merchant, William, the subject of the following memoir, Henry, who died in the island of Jamaica, Sarah, wife of William Alexander, Lord Stirling, Alida, wife of Henry Hansen and afterwards of Martin Hoffman, and Catharine, Mrs. Lawrence.

The two first heads of this family were evidently enlisted in the ranks of the aristocratic or government party, and, so far as the question was then mooted, against the popular cause. The privileges they enjoyed explains this, and the different temper and intelligence of the times partially excuse it; but it may surely be claimed as an additional merit for their descendants of the third generation, that having these precedents in their own family, in opposition to the force of example, and disregarding the principles of their education, they should with so very few exceptions have united in the cheerful surrender of these exclusive privileges, and in the establishment and strenuous defence of those institutions which do not look to the comfort and happiness of the few, but to the prosperity and advancement of all.

CHAPTER II.

Birth and Education of William Livingston—He graduates at Yale College in 1741—Commences the Study of the Law—Letters —His Marriage—Publishes the Poem of Philosophic Solitude, in 1747—Begins to practise as Attorney in 1748—Digests the Laws of the Colony in 1752—His professional Character.

William Livingston, the fifth child of Philip and Catharine Livingston, was born at Albany, in the province of New-York, in the month of November, 1723.*

The length of time which has now elapsed precludes the possibility of collecting those familiar and characteristic anecdotes so fleeting in their very nature, which necessarily form the early portion of all biography. I have only been able to learn that the first fourteen years of Mr. Livingston's boyhood were principally passed at Albany, under the protection of his maternal grandmother, Mrs. Sarah Van Brugh. It was probably during this time that, as he says in a letter written subsequently,† "I spent a year among the Mohawks

* Probably on the 30th. The minute of his baptism, on the Records of the Dutch Church in that city, is dated 8 10*br.* 1723. His relatives, Robert Livingston, of Albany, and Robert Livingston, of New-York, stood godfathers.

† To the Rev. Mr. David Thompson, in Amsterdam, Jan. 12th, 1756.

(the chief of the Six Nations), with a missionary of the Society for propagating the Gospel, under whom I then studied their language, and had a good opportunity to learn the genius and manners of the natives;"—an opportunity which he did not neglect, for his letters, from which in their proper place we shall make extracts, no less than his printed works, show him to have had a very correct understanding of the external relations of the province, and of the measures to be pursued with regard to the French and Indians, the two chief subjects of colonial vigilance and apprehension.

There is in the possession of Mr. William Jay a small ill-painted likeness of young Livingston, taken probably about this time, which represents him in a cocked hat and feather, ruffles and small-clothes.* It serves to illustrate not less the state of manners than of the arts at the period to which it belongs. Before Mr. Livingston's future profession was determined upon, he is said to have expressed a strong desire to devote himself to the art of painting, and to have urged that he might be sent to Italy, to study in the schools of that country; but whether

* The only full-sized portrait of Governor Livingston, taken after he had reached maturity, is in the interior of this state. For the purposes of this memoir it was considered inaccessible, and I have therefore, though with regret, been obliged to content myself with the profile at the beginning of the volume, for which I beg here to acknowledge my obligations to Mrs. Bradford, of Burlington, N. J. It was probably taken about the year 1773.

from those aristocratic prejudices which may be supposed to have infected the opulent colonial families, or from a more rational belief that such an occupation could not be followed as a means of support in a young and poor province, his wishes were overruled by his parents, and an academical education was given him, preparatory to the practice of the law. The tastes, thus checked, developed themselves in a somewhat different channel. His fondness for the mechanic arts furnished the relaxation of his leisure hours during a large portion of his life.

In 1737, before he had terminated his fourteenth year, young Livingston left Albany and was entered a freshman at Yale College, at which institution in 1731, '33, and '37 his brothers, Peter Van Brugh, John, and Philip, had respectively taken their first degrees. The records of the college for this period contain no notices which serve to throw any light upon the individual character of the students, and this portion of Mr. Livingston's life is therefore also a blank. We only know that in 1741 he was graduated at the head of his class,* immediately after which he left New-Haven for New-York, to commence the study of the law. To the discredit of our ancestors it must be remembered that at this time there were only six persons† in the province

* I am ignorant whether this implies any distinction. I have not examined the records of Yale College, and am indebted for my information to the courtesy of President Day.

† Smith, vol. i. note G. and Catal. of Yale College.

besides himself and his brothers, those in orders excepted, who had received a collegiate education. Mr. Livingston appears to have always looked back with pleasure and fondness to this portion of his life, and he retained, with that tenacity of impression which was in some degree peculiar to him, his affection for those of his fellows between whom and himself an intimacy was engendered by long association and a community of feelings and pursuits. "Alas, alas!" he says in a letter written to one of his classmates,* nearly fifty years subsequent to this period, "there is I suppose no probability, considering my time of life, of my ever having it in my power to revisit that darling spot of mine in which I received the first rudiments of my education, and for which I still retain the tenderest affection, New-Haven."

Mr. Livingston was entered as a student of law in the office of Mr. James Alexander, a Scotch gentleman, who came out to New-York in the year 1715,† and who was at this time one of the most eminent lawyers of the province. Smith, our colonial historian, says of him, "He was a man of learning, good morals, and solid parts. He was bred to the law, and though no speaker, at the head of his profession for sagacity and penetration; and

* To the Rev. Chauncey Whittelsey, 20th Feb. 1787.

† Smith, Hist. N. Y. edit. 1830, vol. i. p. 271. Quitting his native country, as it is said, on account of his connexion with the Earl of Mar's insurrection in favour of the Pretender.

in application to business no man could surpass him. Nor was he unacquainted with the affairs of the public, having served in the secretary's office, the best school in the province for instruction in matters of government—equally distinguished for his humanity, generosity, great abilities, and honourable stations." This, however, is not all Mr. Alexander's praise; he obtained higher distinction by being, both in the Council and Assembly, the constant advocate of popular rights and privileges as they were then imperfectly understood. Nor was his opposition to the insolence, extortion, and avarice of the government agents maintained without injury to himself. He stood in opposition to every member of the Council on the election of Clarke in 1736; he was driven from the bar for espousing the cause of Zenger in 1734, although subsequently reinstated; and he finally lost his life by going up to the Assembly in April, 1756, when suffering from a severe illness, to oppose one of the ministerial schemes.*

* Vid. Smith, Ed. 1814. Continuation and App. Ed. 1830, vol. ii. p. 281, et passim. The following letter from Mr. Alexander to John Tabor Kempe, afterward attorney-general for the province, which is here inserted from the original MSS, may be worth preserving as one of the very few literary remains of a man highly distinguished in his day, but who has left but scanty testimonials of his character and ability behind him.

"Dear Sir,

"I have considered your speech, and have made notes on it: one general note I would add, that a speech to a jury after evidence

The influence of habitual intercourse with a man of this character could scarcely be otherwise than beneficial, and the effects of it, as well as their subsequent friendship, which lasted till Alexander's death, may, perhaps, be traced in the

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given—every part of it ought to be connected with the evidence by reference to such a deed, which says so and so—such a writing, so and so—such a witness declared so and so. These are constantly to be the premises on which the speech is to be founded, and when the premises you reason upon are fixed, proceed in reasonable observations and consequences—but referring to or relying on things not given in evidence, though perfectly known to you, is departing from the evidence in the cause, and flying at random, which must be destructive to a good cause, but a bad one has occasion for it.

"To use an argument unsupported by the evidence is murdering a cause, for the opposite side will drop all your material arguments well supported, and insist on those not supported, and refer the jury to those as specimens of your arguments.

"If you have good evidence of those malicious things you insinuate against the defendant, you should either get depositions or certificates, signed by the witnesses who can prove these things, and give them to your counsel to insert what they think proper thereof in the brief, in order to examine into and prove those things; or if you are sure the witnesses you call will prove these things, but not willingly—then write down what you can prove by such a witness, and give it to your counsel; but remember that if you misinform him, you hurt your own cause thereby.

"Lengthening a cause by a multiplicity of evidence not necessary, puts those things necessary out of the remembrance of the jury, and brings things into darkness and obscurity. This is an artifice of those who have a bad cause to manage. But those who have a good cause ought to be cautious how they offer any piece of evidence but what's necessary and pertinent; all those

steadfast political course of his student. It was about this period that Mr. Livingston entertained the intention of prosecuting the study of his profession in England, the schools of the mother country being then rightly looked upon as the only pure fountains of juridical science. He carried his purpose so far, as in 1742 to obtain admission to the Society of the Middle Temple; but the design was afterwards relinquished.*

Mr. Livingston appears to have attached some value to this membership, for at the foot of an

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that are not so ought to be winnowed out and blown away as chaff from the corn—and as they ought to be cautious how they offer evidence not material, so ought they to be far more cautious to offer to argue upon things not given in evidence or clearly proved. * * * JAMES ALEXANDER."

This was probably written no long time before Alexander's death.

* The original certificate of admission runs as follows:

"29 Die Octobris, 1742.

"Mar. Willielmus Livingstone, filius Collonelli Philippi Livingstone, de Novo Eboraco in America, Armigeri, admissus est in Societatem Medii Templi, London, specialiter et obligatur una cum, &c.

Et Dat pro fine	4	0	0
F**** et Impressionibus	0	14	6
	4	14	6

Vera Copia,
Exam. pr. FRAN. FANE, Thes:
RD. BRUNCKER,
Sub. Thesaurus."

engraved plate of his arms, probably cut about this time, his name stands as "William Livingston, of the Middle Temple." An anecdote connected with this coat of arms is too characteristic to be omitted. He relates it himself, in a letter written long afterwards.* "My grandfather" (Robert Livingston, on the occasion of his being cast away on the coast of Portugal, as has been already related), he says, "altered the crest and motto of the family arms, the former into a ship in an adverse wind, the latter into *Spero meliora.* These have since been retained by all the family except myself, who not being able without ingratitude to Providence to wish for more than I had, changed the former into a ship under full sail, and the latter into *Aut Mors aut Vita decora.*" To those who may reach the close of this volume, it will scarcely be necessary to say that the virtuous resolution expressed in this sentence was fully adhered to, from first to last.

In May, 1742, Mrs. Sarah Van Brugh died. I have already spoken of her as the guide and protectress of Mr. Livingston's boyhood. He appears to have preserved a grateful recollection of her kindness, and named a daughter after her. But he retained in his own person a very different testimonial of her affection. The impatience aud irritability of temper, which he never completely succeeded in overcoming, was by his immediate family generally

* To Col. Livingston, of Holland, 10th June, 1785.

attributed to her excessive fondness and undiscriminating indulgence.*

From a letter-book kept by Mr. Livingston, in the year 1744, in which are irregularly inserted copies of a small number of letters, principally relating to private matters, which even at this late day there would be no propriety in exposing to the public,† I am able to insert a few extracts, illustrative of his character at this time. It will be remembered that they were written, excepting the last, before he had reached his twenty-first year.

These letters show Mr. Livingston very much devoted to his studies, and are more worthy of notice, as proving at how early an age he became imbued with that conviction of the value of religion, and that constant consideration of its precepts, which in a singular manner marked his whole life, and contributed so much to the rigid integrity and inflexible uprightness of his private and public conduct. "Nemo vir magnus sine aliquo adflatu divino unquam fuit," says the heathen philosopher,‡ and the sublime truth has received a new

* Her husband, Captain Peter Van Brugh, died in July, 1738. These two dates are from a MS. vol. in the possession of H. Bleecker, Esq., of Albany. It is a journal "kept by Barent Bradt, Clerk (Voorleezer) of the Dutch Church, in the city of Albany, of the burials of persons belonging to that church, from 1722 to 1757."

† Ερωτα μουνον ηχει. Anac.

‡ Cic. N. D. 2. 66.

meaning, and a fuller confirmation since it was uttered. But youth is so apt to drink to the dregs every cup of which it tastes, so apt to forget that truth lies remote from all extremes—that the religious zeal of an early age is sometimes unfortunately looked upon with suspicion, as cloaking, perhaps, a harsh and repulsive character; liable to confound bigotry with piety, and intolerance with devotion. How far Mr. Livingston was from laying himself open to these charges, may be seen by the following extract from a letter to the Reverend Mr. James Sprout, one of his former classmates.

"New-York, 22d Sept., 1744.

"My dear Sir,

* * * * * * * *

"I am sorry to hear you are so divided among yourselves with respect to religion, which is plain and simple, and to the meanest capacity intelligible. Every man has a right to think for himself, as he shall answer for himself, and it is unreasonable for me to be angry with any one for being of different principles, as he has the same pretence to quarrel with me. And when we consider that truth is comprised in a small compass, but that error is infinite, we shall not be so positive and dogmatical, to set up for infallibility, and anathematize those of a contrary opinion. There is no sect that come under the denomination of Christians but what pretend to ground their principles on the Holy Scriptures, and consequently all have an equal

right to think themselves the best; and if they are heretical in some tenets, in others they are confessedly orthodox. Let us then resemble the bee, that collects the purest nectar out of a diversity of flowers, that we may not quake, but exult, at the second sound of the trumpet, when we shall not be asked of what sect we have been, but be *judged according to our works.* I am, &c.

"Wm. Livingston."

In these mild and tolerant opinions is clearly to be found the germ of that uniform opposition to ecclesiastical as well as to civil tyranny, for which the writer was throughout his life conspicuous. It speaks highly for the soundness and solidity of the materials of character, when we find these marked features impressed upon them at so early an age, undergoing no change or modification from the rough wear of the world during a long life.

The following extract from a letter to Miss E. T., dated New-York, November 17th, 1744, may be found interesting, as throwing a glimmer of light upon the stately, and yet, in many respects, unpolished manners of the period.

"As but a few days have elapsed since your departure hence, nothing momentous has happened either relating births, deaths, or marriages, which, when they offer, or any other thing material, I shall give you as fresh information as my hermetical kind of life will permit. However, I must not omit

that we had the wafel frolic at Miss Walton's, talked of before your departure. The feast, as usual, was preceded by cards, and the company so numerous that they filled two tables; after a few games, a magnificent supper appeared in grand order and decorum, but for my own part I was not a little grieved that so luxurious a feast should come under the name of a wafel frolic, because if this be the case, I must expect but a few wafel frolics for the future; the frolic was closed up with *ten sunburnt virgins lately come from Columbus's Newfoundland*, and sundry other female exercises, besides a play of my own invention which I have not room enough to describe at present; however, kissing constitutes a great part of its entertainment."

The following unfinished letter from Mr. Livingston to his father, characteristic and amusing, as showing his irritability but half subdued by the formal and respectful intercourse which then subsisted between parents and children, closes the extracts from this volume.

"New-York, Dec. 4, 1744.

"Hon. Father,

"Sir,—I have received your letter of November 21st, whereof the first two lines are, 'I am much concerned to hear that you neglect your study, and are abroad most every night.' *As to neglecting my study*, I am as much concerned to hear it as my father, having read the greatest part of this winter till 12 and 2 o'clock at night, and since I have had

a fire in my room, have frequently rose at five in the morning, and read by candle-light, which I suppose your informer (whatever ingenious fellow it be) was ignorant, as 'tis impossible he should know it without being a wizard. As to my being abroad almost every night, I have for this month staid at Mr. Alexander's till 8 and 9 o'clock at night, and shall continue to do so all winter, he instructing us in the mathematics,* which is indeed being abroad."

It may be regarded as a curious coincidence, if not as ominous of Mr. Livingston's lifelong opposition to establishments, that the first of his essays which now can be identified, and probably the first of his printed pieces, is an invective against the mode of studying law as then practised; against the drudgery to which the clerks were subjected, and the inattention of their nominal instructers; defects which have by no means even yet disappeared, but which we can scarcely hope or desire to see remedied, except by individual merits and exertion. The essay may be found in Parker's New-York Weekly Post Boy, for 19th August, 1745, signed *Tyro Philolegis*, and headed with the appropriate motto,

"Sic vos, non vobis, mellificatis apes."

* There is a curious MS. volume in the Library of the N. Y. Historical Society, filled with mathematical and astronomical calculations by Alexander. See in Sparks' Gouverneur Morris, vol. i. p. 292, an anecdote illustrative of his general reputation for proficiency in these studies.

If Mr. Alexander was not an exception to the general character of his profession in this respect,—and we may suppose that he was from the notice of him in one of the preceding letters,—the discipline of his office had probably some share in producing the subsequent misunderstanding. It is certain, however, that in the spring of the next year, 1746, on the appearance of another piece in the same paper, with the authorship of which Mr. Livingston was charged by Alexander, and which he did not deny, a rupture ensued, and quitting the office of his instructer, he entered that of William Smith, then a very prominent lawyer on the liberal side of colonial politics, and afterward a Judge of the Supreme Court. The piece we have referred to may be found in the Post Boy for the 3d of March, 1746. If Mr. Livingston's silence arose not from false pride, but from inability to deny the charge, he was certainly wanting in decorum; and the abstract justice of the criticism could not warrant the free and offensive tone of the piece. Whatever was the justice of the dispute, the parties were afterwards entirely reconciled, and Mr. Livingston was employed professionally both by Mr. Alexander and his widow. Perhaps the ability of the rising lawyer, and the energetic patriotism of the young politician, obtained an easy pardon for the errors and oversights of the unnoticed student.*

* The incident which gave rise to the dispute is said to have been as follows:—A Mr. Rice, organist of Trinity Church, for-

About this time, though perhaps in the course of the preceding year,* and before he had completed his professional studies, Mr. Livingston was married to Miss Susanna French, a lady of about his own age, daughter of Philip French, a gentleman who had previously owned a tract of land in New-Jersey, comprising a large portion if not the whole of what is now New-Brunswick, but whose fortune was at this time very much impaired. Miss French was granddaughter by the mother's side of Anthony Brockholls, Lieutenant Governor of the colony of New-York, under Andross, and subsequently its chief magistrate.†

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getful of the strongly-marked distinctions which then practically established what has in later days been termed the "Theory of Ranks," presumed to send a valentine, viz. a pair of gloves with a copy of verses emblematic and expressive of his devotion, to Miss Alexander. The fashionable young beauty and her mother resented it as an insult, and their conduct struck the more republican mind of young Livingston as so unreasonable that, unmindful of the relation in which he stood to the lady's father, the pasquinade already spoken of was the result.

* I know no method of ascertaining the date of this marriage. There is no mention of it in the newspapers, and I am informed by the Rev. W. W. Phillips that the records of the church in Wall-street, the oldest Presbyterian society in the city, and to which Mr. Livingston belonged, go back no further than the year 1765. His eldest child was born in 1746.

† The following letter from Dongan, at one time governor of the province, and afterwards Earl of Limerick, to Brockholls, discovered among some papers of Mr. Livingston, may find favour in the eyes of those curious in the antiquities of our state:—

Mrs. Livingston's character was plain and unpretending. She had received only the imperfect education of the time, but endowed with a strong intellect, ardent in her affections, devoted to her husband, and adapting herself with success to his peculiarities of temper, she possessed his love and respect undiminished to the end of her life.*

"——— 12th, 1697.

"Sir,

"To let you see that I am better conditioned than you, I take the freedom to give you the trouble of this, and to give you a little comfort after nine yeares tribulation—to let you know that there will be a peace before the plenipotentiaryes part; though the damned Ffrench are very troublesome both by sea and land. 'Tis believed that the Prince of Conti is made King of Poland, and that Barcelone is taken by the Ffrench. If Ponts has taken the Galeons, as 'tis reported, and Barcelona taken, ye poore Spaniards will be forced to knock under the table. But for England, ye confederacy could not have held out soe long as they have done. If King William be not * * * by the Ffrench, I am afraid we shall have more trouble—you are very happy there to what they are here. I cannot goe to those parts till my accounts are auditted and returned hither, and till I settle some little concernes of my owne here. My humble service to your lady and ye rest of yr ffamily. I am, Sr,

"Yr most humble Servant,

"Tho: Dongan.

"Maj. Brockholls."

* At the time of the marriage Miss French resided with her maiden aunt, Mary Brockholls, and the new-married couple remained there for about a year after the union. They then removed to a residence in Water-street, where they lived till 1768, when they changed it for the house at the corner of

In 1747 was published the first of Mr. Livingston's productions which received a separate form, unless we except the *Art of Pleasing*, a juvenile performance, written in imitation of Horace's Epistle *Ad Pisones*, which I have never seen. Its original title ran thus, "PHILOSOPHIC SOLITUDE, or the Choice of a Rural Life. A Poem by a Gentleman educated at Yale College. Me placeant ante omnia sylvæ.—Virg. Otium sine literis, mors est, et vivi hominis sepultura.—Sen." This poem, which contains about seven hundred lines, was republished at Boston in 1762, and has been since the revolution either wholly or in part several times reprinted.* It has consequently preserved its station in our colonial literature, and is better known than almost any of Mr. Livingston's works. As to the merits of this production, the opinion of a recent critic, who has apparently paid much attention to subjects of this nature, may be assumed as impartial:—"Mr. Livingston's poem on Philosophic Solitude has been several times re printed, and though it has not high poetic value, displays the tastes of a scholar, and the virtues of

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William and Garden-streets, in later days well-known as the post-office, but now swept away by the tide of improvement. This was their home until they left New-York altogether.

* It may be found at length, in a volume entitled *American Poems, selected and original*, printed at Litchfield, Conn. in 1793, as well as in the Columbian Monitor. It was also republished immediately after the author's death, in 1790, and parts of it are inserted in Mr. Kettell's recent *Selections*.

an upright mind."* It is full of that love of the country, and of that desire for a rural domestic life, which, though not till long afterwards, and then but imperfectly, gratified, seems during the most busy moments of his career to have furnished his fondest anticipations. The smooth flow of the verse and the turn of expression bear also evident marks of an admiration and imitation of Pope. The tribute of friendship between the ninetieth and one hundred and thirtieth verses of the poem to Noah Welles, a classmate, afterwards minister at Stamford, Conn., and to William Peartree Smith, at this time a resident of New-York, and during the revolutionary war a member of the Council of New-Jersey, received an appropriate return, in some lines from these persons "to the Ingenious Author of the Poem entitled Philosophic Solitude." They are incorporated with some of the early reprints of the work, but have been omitted in the later editions. It would be out of place to give here any extracts from this poem. It is sufficient to say generally that Mr. Livingston does not appear to so great advantage in his rhythmical as in his prose compositions. His satirical pieces are the best of the former, but they are frequently too coarse for the taste of the present day, although warranted by high authority in the generation for which he wrote. His graver verses are in most instances formal, and through-

* Am. Q. Rev. No. iv. p. 506.

out all we can discern marks of constraint, of subjection to the rhyme and the metre shackling his thoughts. The ideas are poetical, but the mechanical execution is not equal to the conception, and they but rarely have the force and elevation of his political and state papers.

In the fall of the next year, 1748, Mr. Livingston completed his clerkship, and was admitted to the bar as attorney. His registers show that at an early period he was professionally employed more frequently, and in more important actions, than is usual in similar cases.*

In February, 1749, Philip Livingston, the father of the subject of this memoir, died at New-York."† Up to the period of his death he retained his seat in the Council, and with him expired the last prominent member of this family to be found arrayed on the side of the English government, or enjoying its favour. He appears, however, to have taken no active part in the politics of the colony. The few particulars which have been handed down in his family respecting his funeral ceremonies are

* The license to practise, signed by Governor Clinton, is dated 14th Oct., 1748. Mr. L. was qualified and admitted, as appears by the clerk's endorsement, on the 18th. It may be that there is some error as to the commencement of his clerkship. Smith says in his appendix, that an apprenticeship of but three years was required of graduates. Some new rule may have been established between 1744 and 1756 (the date of Smith's work), but the discrepancy appears too great.

† N. Y. Gazette for Feb. 6th, 1749.

illustrative of the manners of the time, and of the consequence of the individual. He died, as has been said, at New-York, but his obsequies (for so they may be called) were performed both at that place, and at his residence in the manor of Livingston. In the city, the lower rooms of most of the houses in Broad-street, where he resided, were thrown open to receive the assemblage. A pipe of wine was spiced for the occasion, and to each of the eight bearers, with a pair of gloves, mourning-ring, scarf, and handkerchief, a monkey spoon was given.* At the manor, the whole ceremony was repeated; another pipe of wine was spiced, and besides the same presents to the bearers, a pair of black gloves and handkerchief were given to each of the tenants. The whole expenses were said to amount to five hundred pounds,† and this wasteful consumption in his own family may have led Mr. Livingston a few years afterwards to devote one of his Independent Reflectors to the "Extravagance of our Funerals."‡

The following pasquinade written immediately

* It would be desirable to know the origin of this custom, now entirely obsolete. This spoon differed from the common one in having a circular and very shallow bowl, and took its name from the figure of an ape or monkey, which was carved *in solido* at the extremity of the handle.

† It is said too that this was a retrenchment upon previous customs, and it is mentioned as an instance of the notable Dutch habits of Mrs. Livingston, that she was one of the first persons to give linen scarfs in lieu of silk, as had been the former mode.

‡ Ind. Ref. No. 29.

before or after a closely-contested election, has never I believe been printed, and as it is the first of Mr. Livingston's political writings of which the authorship is certain, it is here inserted from his MSS.

"Political Bill of Mortality for the month of August, in the year 1750, in a certain quarter of the town near the Bowling-Green.

Burst with malice,	4
Over-fatigued with writing dialogues,	2
Grumbling,	3
Of vain expectations,	10
For want of pay,	5
Of roaring against the four members,	7
Of Madeira,	4
Nocturnal consultations,	3
Of the Cacoethes,	12
Running about for votes,	14
Of Probity,	1
Impolitic blunders,	6
Of a letter to the freeholders,	39
In all	110"

It would be difficult now to ascertain the precise object of this satire, which doubtless grew out of some one of those trifling colonial squabbles which were the preludes to more serious dissensions. It was probably directed against some measures of the party headed at this time by Governor Clinton, and of which James De Lancey, afterwards chief justice, and lieut. governor, was a very prominent

leader. Among the opponents of this faction Mr. Livingston, at an early period, arrayed himself. "Will," said one of the De Lanceys to him familiarly, before his sentiments were clearly ascertained, "you would be the cleverest fellow in the world if you were only one of us."

"I will try to be a clever fellow," was the brief answer, "without being one of you."

In the year 1752, Mr. Livingston, together with William Smith, junior, in obedience to an act of the Assembly, passed Nov. 1750, published the first digest of the colony laws. It comprised in a ponderous folio all the statutes passed between 1691 and 1751, at that time in force. The compensation allowed by the legislature was 280*l.* for the joint labours of the compilers. A second volume, comprising the laws from 1751 to 1756, appeared under the direction of the same persons in 1762. For this they received £100. It was at the time a labour of great use, but it required no other qualifications than industry and accuracy. It performed the duty, and shared the fate of all similar compilations. An indispensable book to the profession for a short time, it was, a few years afterwards, in 1773, completely superseded, except with the legal antiquarian, by the new edition of Mr. Van Schaack. This in its turn was displaced in like manner, and the same undertaking was more than once repeated, until in our own day the labour of the compiler has yielded to the more original and important work of the reviser.

The chief advantage of this work to Mr. Livingston was the effect which its publication had of bringing him into notice. It was a task honourable to be performed by so young a member of the bar, and together with his diligent attention to his profession, and the assistance of his numerous family connexions, soon procured him an extensive business, which was gradually increased by the respect paid to his independent and fearless character, and by the prominent part which he took in the political affairs of the colony.

In January, 1753, I find him commencing a suit for the eccentric Dr. James Magra against Governor Clinton, under the act against harbouring and concealing a slave; and in the beginning of the next year, with Mr. Scott and Mr. Smith, in the cause of O'Bryan and Bryant, arguing before the council for the common law-right of writs of error. This was an action of assumpsit, in which the plaintiff had a verdict for £150, and which the defendant's counsel endeavoured to carry up before the governor in council by writ of error. These writs were regulated by the royal instructions in cases where the sum recovered amounted to £300, but Mr. Livingston and his associates contended in behalf of Bryant, that the writ was one of common right. The motion was denied, and the popular doctrine overruled, notwithstanding the excitement which the controversy created at the time. I need not say that the principle which Mr. Living-

ston asserted has been fully established, at least in this State.*

In March, 1752, he was engaged with Smith and Nicoll for the defendants in the great cause of the Earl of Stair and others, proprietors of the Eastern Division of New-Jersey, vs. Bond and others, in the chancery of that colony, involving, as it appears by a cursory examination of a bill of unexampled length, the proprietorial rights and the title of the territory to a considerable extent. Alexander and Murray of New-York were the counsel of the complainants. Thus we always find the subject of this memoir arrayed on the side which has the least to boast of power or adventitious dignity. The bill was filed in 1747, and published in folio the same year. The answer was not put in till 1752. If all the proceedings were carried on in the same manner, the cause must have outlived both clients and advocates.†

In June, 1754, we find Mr. Livingston with Murray, Smith, and Nicoll, on the part of New-York, conferring with the Commissioners of Massachusetts, on the subject of the boundary line of the two colonies. The interest of the manor, which had

* Smith, vol. ii. p. 247. The following extract from Mr. L.'s register shows his share as Bryant's attorney and counsel in this transaction:—"Oct. 1753, filed exceptions and brought writ of error. 1st Jan. 1754, met at Mr. Smith's and consulted about reasons. Same day made fair copy of reasons and filed same. March 27th, attended council and read argument, 33 sheets."

† Vid. the printed bill, 1747.

now descended to his eldest brother Robert, in this question, may perhaps have obtained for him this appointment. Several years afterwards, he was retained by his native province in the dispute with New-Jersey, respecting their adjacent territory.*

A few of his letters written shortly after he had commenced to practise as counsellor still remain. They show with what independence of mind and elasticity of character he entered upon and pursued a profession, the dignity of which is sometimes lessened by an unreasonable deference to authority and submission to superior station, incompatible with a proper self-respect. Among the earliest is the following to Kempe, attorney-general of the colony, and it will be remembered, that the influence of office and the respect paid to it were somewhat greater then than they are now: but the writer was not one, who at any period of his life could be easily browbeaten or overawed.

"New-York, August 26, 1754.

"Sir,

"I received from you three letters mandatory, the one in the case of—[three cases are enumerated]—all couched in the following terms: '*Mr. Livingston, I demand a plea.*' With respect to the two first, I have filed pleas almost a month ago,

* The principal documents relating to this long-waged dispute were published about the year 1768, in a folio volume, which I have seen nowhere but in the Athenæum Library at Albany.

and as to the last, I have been at the office twice and find no information filed, and to plead to an information that is neither filed, nor you have been pleased to favour me with a copy of, appears to me something of a difficulty. Before therefore I think you can reasonably desire me to plead, you will be kind enough to do one of these two things, which I request with great humility, and not in the style of Mr. Attorney: 'I demand a copy of the information.'

"I am, Sir,
"Your humble servant,
"Wm. Livingston.

"William Kempe, Esq.*
"*Greenswich.*"

* William Kempe, to whom the above letter is addressed, came to New-York, and succeeded William Smith (the elder) as advocate and attorney-general for the province, in the fall of 1752. He brought with him several daughters and two sons, William and John Tabor: the former, after a youth of low and reckless dissipation, which alienated the affections of his family, passed the remainder of his life in great poverty, not far from this city. The latter succeeded his father in his office in 1759, and held it till the revolution, when, adhering to the ministerial side, he remained in New-York during the war, and was one of the council appointed under the mock-government of General James Robertson. Immediately after the peace he returned to England. John Tabor Kempe appears to have been a man of courteous manners, and to have taken no greater share in the political contests than was imposed upon him by his station. He seems to have been generally popular, and by no means individually obnoxious even to those opposed to him. His correspondence as well as his father's, which were left behind him when he left the country, I

. In a letter of the 8th May, 1754, he thus writes to one of his clients in Philadelphia: "If, in the mean time, you should be under any apprehension of not succeeding in the prosecution of the action, I would by no means encourage any one to carry on a lawsuit that is disinclined to so troublesome a business, which is a piece of advice not frequently given by those of our profession." A letter of the 13th December, 1756, to another client, runs thus: "At this, I say, I am greatly surprised, because I told you in mine of the 29th December, which you acknowledge to have received, that he absolutely refused to give me security; and your repeating it now seems to look like charging it on my misconduct, which alone, had I no other reason, would determine me against having any further concern for you, either in this or any other case."

An examination of Mr. Livingston's registers and business-letters would much tend to diminish any regret which may be felt for the want of colonial reports. A great number of the cases are suits for the collection of debts owned by English merchants; and causes under the complex law of ejectment, now so happily exploded, form another large class. In a letter of the 18th April, 1754, he says, "Times are so bad, that there is no knowing who to trust. We are ruined by the importation of dry

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have examined, but they throw little or no light upon the colonial annals. We shall meet his name again in the progress of this memoir.

goods, and New-York will, I fear, soon get as ill a name as Boston. I have letters of attorney by Captain Bryant, against no less than twelve merchants."

But without tracing Mr. Livingston along that weary ascent which leads to legal eminence, I here dismiss this portion of my subject; briefly stating that after the death of Alexander in 1756, and the elevation of Smith to the bench in 1763,* he stood with the younger Smith and John Morine Scott, at the head of the profession. As lawyers, what were the comparative merits of these gentlemen, it is now perhaps impossible to ascertain; but it was only at the bar that they stood in contrast and opposition to each other. In their efforts to baffle the ministerial schemes, and in their plans for the benefit of the colony, they cordially and zealously co-operated; nor was their union of thought and action dissolved until the views which Mr. Smith unfortunately took of the revolutionary contest compelled him to abandon his early and long-tried friends. Mr. Livingston is said never to have been remarkable for eloquence, and to have acquired his standing by the accuracy of his knowledge, the vigour and quickness of his perception, and the closeness of his reasoning, seasoned occasionally perhaps by that dry humour and severe sarcasm which we meet in his writings.

Not engrossed however by the claims of a profes-

* Vid. Johnson's Digest.

sion peculiarly absorbing, Mr. Livingston had been already for some time labouring to establish his fame upon a more permanent foundation, and to this branch of the subject we must now turn our attention. Before doing so, however, it may be mentioned that two of the most eminent lawyers of this state received the rudiments of their professional education in Mr. Livingston's office,—the late Chancellor Livingston, and Chief Justice Yates.*

* Vid. App. to Secret Debates of the Federal Convention.

CHAPTER III.

Mr. Livingston edits the *Independent Reflector* in 1752—Dissensions on the Subject of the Charter of King's College—Letter relating to the French and Indians—John Morke—Mr. Livingston edits the Watch Tower in 1754—Termination of the College Controversy—Death of Mrs. Catharine Livingston in 1756.

The first number of the Independent Reflector, published under the direction of Mr. Livingston, appeared on the 30th November, 1752. This was I believe the first periodical in the colonies, certainly in New-York, which, with no professed attachment to any political party, devoted itself to a close and impartial scrutiny of the existing establishments, and pursuing its course without fear or favour, had for its object the exposure of official abuse, negligence, and corruption in whatever rank they were to be found. There was little excitement on any subject in the colony when this paper made its appearance, and its columns were at first confined to the suggestion of ideas practically beneficial to the mass of the people; but its bold and commanding tone, its acute and searching investigations, appear to have had no slight influence in fomenting those angry discussions which, bursting out almost immediately afterwards, raged with

little intermission till the revolution. "Quand l'émulation n'excite pas les hommes," says Voltaire, speaking with more truth of the people of his day than of ours, "ce sont des ânes qui vont leur chemin lentement, qui s'arrêtent au premier obstacle et qui mangent tranquillement leurs chardons à la vue des difficultés dont ils se rebutent; mais aux cris d'un voix qui les encourage, aux piqures d'un aiguillon qui les reveille, ce sont des coursiers qui volent et qui sautent au delá de la barrière."*

In the eleventh number of the work, when he had become somewhat excited by opposition, the author thus describes his purpose: "The Reflector is determined to proceed unawed and alike fearless of the humble scoundrel and the eminent villain. The cause he is engaged in is a glorious cause. 'Tis the cause of truth and liberty: what he intends to oppose is superstition, bigotry, priestcraft, tyranny, servitude, public mismanagement, and dishonesty in office. The things he proposes to teach, are the nature and excellence of our constitution, the inestimable value of liberty, the disastrous effects of bigotry, the shame and horror of bondage, the importance of religion unpolluted and unadulterate with superstitious additions and inventions of priests. He should also rejoice to be instrumental in the improvement of commerce and husbandry. In short, any thing that may be of advantage to the inhabitants of this province, in particular, and

* "Ce qu'on ne fait pas et ce qu'on pourrait faire."

mankind in general, may freely demand a place in his paper."

The importance attached to this journal at the time may be judged of from the violence of the opposition it excited. The editor was defamed in private society, and denounced from the pulpit.* The mayor recommended the grand jury to present the work as a libel;† the author was charged with profanity, irreligion, and sedition, and his printer, alternately menaced and cajoled by the enemies of the paper, yielded at length to their efforts and refused to continue it.

There was at this time in the colony of New-York, as has been already said, no political excitement of any moment, and the titles of some of the early numbers of the Independent Reflector will suffice to show the practical and useful character of the work.

"No. II. Remarks on the Excise, and farming it shown to be injurious to the province.

"No. III. Of the Abuses of the Road and City Watch.

"No. V. On the Importation of mendicant Foreigners.

* Ind. Ref. Nos. 2, 3, and 7. "The author takes this opportunity for returning his thanks to the reverend gentleman who did him such signal honour, last Sunday, as to make him the subject of his sermon, and greatly admires his ingenuity in proving him to be the Gog and Magog of the Apocalypse, who have hitherto puzzled all the divines in the world."

† Pref. to Ind. Ref. p. 26.

"No. VII. A proposal of some further Regulation for the speedier and more effectual Extinguishment of Fires.

"No. IX. The selling of Offices which require skill and confidence, a dismal omen of the declension of a state.

"No. XIII. Of party Divisions.

"No. XXVIII. On the Delays of Chancery.

"No. XXIX. Of Extravagant Funerals."

All these essays are full of original and valuable thoughts on the subjects to which they refer, and are marked by singular boldness and freedom from disguise or circumlocution. Smith cites the Reflector repeatedly when treating of the internal state of New-York, and in an historical point of view the paper is valuable.

It will readily be imagined that all interested in the abuses exposed coalesced to put down this audacious innovator; but Mr. Livingston, nothing dismayed, entered upon the discussion of a topic which, gradually absorbing all subjects of less interest, brought on a much more imbittered contest.

The Episcopalians, though comparatively few in number in the province of New-York, might be considered at this time the ruling sect; and it will be remembered that the example of the mother country constantly reminded the colonists of those dividing lines of Christianity, which it was the tendency of their more tolerant government to efface. Befriended at home by their brethren of the established church, and favourably regarded by the

royal governors, who were uniformly of the same persuasion, the followers of the church of England monopolized a very considerable share of the places of honour and profit. The claims of the establishment over the colonies were already put forth, and although vehemently denied, they were partially sustained by a law passed in 1693, to support ministers in certain parishes, which, though clergymen of the church of England were not named in the act, had it seems been constantly filled by them.

The sect of the Presbyterians to which Mr. Livingston belonged consisted principally of those descendants of Dutch parents who, not understanding the language of their ancestors "sufficiently to apprehend the full force and connexion of a sermon" (and this Mr. Livingston says was his own case,* his father and grandfather both having belonged to the Dutch congregation), one by one fell off from their church, which was foolishly tenacious of performing service in their original tongue. Uniting with the other dissenters, they gradually formed a sect the largest I believe in the province, but possessed of little power or influence, and which had been under the earlier governors, the dissolute Cornbury and the imperious Fletcher, grievously oppressed. But, although they must be supposed to have felt something of that bitterness with which a powerless majority looks upon a favoured minority, they

* Letter to Aaron Burr, 29th May, 1754.

might perhaps have remained tranquil had not the Episcopalians injudiciously provoked the contest.

The colonists of New-York, aroused at a late day to a sense of their deficiency in the means of education, and stimulated by the example of their eastern neighbours, after having raised, by means of successive lotteries, the sum of £3443, for the purpose of founding a college, passed an act in November 1751, vesting the funds so obtained in ten trustees, seven being Episcopalians, two of the Dutch church, and the tenth Mr. Livingston himself, as we have said, an English Presbyterian. The inequality of this apportionment in favour of the Church of England attracted attention; the other sects took the alarm, and it was soon rumoured that a majority of the trustees were determined to have the college under the control of their own denomination, and that they were about to apply to the governor for a charter, two articles of which were to be, that no person out of communion with the Episcopalian church should be made president, and that the Common Prayer should be used for its religious exercises.

The matter was in this unsettled state when the Independent Reflector was established, and the narrow bigotry of this plan, with the injustice of devoting to a sectarian use funds raised by a tax levied on all, could not long fail to strike the mind of Mr. Livingston.

In the 17th number of his paper (22d March, 1753), he commenced his *Remarks upon our intended*

College, and beginning with an examination of the importance of the institution, he in his subsequent numbers discusses the most proper manner of its establishment. This he insists, both for its dignity, security, and stability, should be, not by charter, but by Act of Assembly. Differing thus fundamentally from his opponents, he proceeds more minutely to describe what he would have the rules of the institution—free to all, offensive to no sect, as such—and his twenty-third number contains an eloquent address to the inhabitants, exhorting them to imbody in opposition to the projected charter, the fervour of which is interesting, even at this late day when the origin of the difficulty is almost forgotten.

The discussion could not be tranquilly had. The adjustment of claims between encroachment and resistance is rarely effected by compromise. The leaders of the party demanding the charter looked with great hostility on this advocate, "for constituting a college on a basis the most catholic, generous, and free."* The editor of theReflector was accused of creating party dissensions for the purpose of preventing the establishment of any college whatever, and abuse of all kinds was heaped freely upon him. Their attacks were returned with tenfold vigour, and the strife soon became one of great violence. The titles of the numbers published about this time, show the alteration in the tone of the paper.

* Ind. Ref. No. 18.

"No. XXXI. Primitive Christianity, short and intelligible—Modern Christianity, voluminous and incomprehensible.

"XXXIV. Of the Veneration and Contempt of the Clergy.

"XXXVI. The Absurdity of the Civil Magistrate's interfering in Matters of Religion.

"XXXVIII. Of Passive Obedience and Non-resistance."

The character of the contest was, as often happens in similar cases, changed. This prominent instance of misdirected zeal or unwarrantable ambition, on the part of a small but active and influential faction, roused the impartial of whatever denomination to an investigation of their actual condition. A belief was speedily excited in the minds of the leading dissenters, and as it subsequently appeared not without reason, that there was a design on foot, embracing a much wider field than the government of the projected college, and that there were members of the Church of England both at home* and in the colony, not at all disinclined to incorporate the civil with the religious establishment.

There was every reason why the finances of a young and poor country should not be embar-

* It is difficult to treat of any topics connected with our colonial history, without falling into the language used by the writers of the time. "Home," as every one knows at all versed in our ante-revolutionary annals, is the affectionate epithet by which the mother-country was designated.

rassed with the support of an established church, and why their strong religious feeling should not be clogged by the encumbrances of tithes and taxes. We cannot therefore wonder, especially when we reflect upon that salutary jealousy which we have inherited from our American ancestors of every age, which to this day we manifest at every attempt to introduce sectarian theology into legislation, we cannot wonder that the fear of such an event should have roused those upon whose minds it operated to the greatest exertions.

The controversy assumed, as we have said, a new character. Going beyond the immediate subject of dispute, Mr. Livingston, in his Reflector, attacked all the abuses of the English system, and perhaps did not in every case confine his satire and reproach to its abuses. He was answered in the columns of the New-York Mercury, the principal paper arrayed against him, by those charges which had been freely levelled at an earlier period against the Independents, the Puritans, the dissenters of every denomination. There was exaggeration on both sides, but the discussion proved in its consequences beneficial, and though the liberal party did not entirely succeed in their immediate object, the immoderate zeal of their opponents was checked.

The subject is one of much interest with reference to our colonial history: we shall find it at a later period extending itself into the neighbouring

provinces of Massachusetts and Pennsylvania, involving the whole merits of the English as an established church, and illustrated by the talent of some of the ablest writers of the period.

It is much to be regretted that we cannot assign to Mr. Livingston's coadjutors in the Independent Reflector their respective productions. His own pieces, though written under different signatures,* may be recognised without difficulty by their editorial character, as he more than once asserts himself to be the sole conductor of the work; but it has now probably become impossible to ascertain the able writers whose communications appear under the names of *Shadrech Plebeianus*, *Atticus*, and *Philalethes*. Smith, the historian, and John Morine Scott, are known to have thought and acted with him on these subjects.† William Peartree Smith, already spoken of, is also understood to have been a contributor.

The preceding statement of the relative position of the two parties being made, and caution being urged as to the allowance with which the essays on both sides of the question are to be regarded, a few extracts from the paper will best prove the ability and impetuosity with which it was carried on. Argument, reproach, ridicule, every weapon was in turn employed, and each well, though somewhat un-

* As Z. B. X and Z. Z and B. X. A.

† See letter from these gentlemen to Gaine, editor of the Mercury, in his paper of 3d Sept., 1753.

sparingly wielded. The following, taken from the 22d No., will serve to show the importance attached to the question, and the solemnity with which it was discussed. It is entitled "An Address to the Inhabitants of this Province."

"My dear Countrymen,

"In a series of papers I have presented to your view the inconveniences that must necessarily result from making the RULE of the college the monopoly of any single denomination. I have considered it in a variety of lights, and explored its numerous evils. * * * Far be it from me to terrify you with imaginary dangers, or to wish the obstruction of any measure conducive to the public good. Did I not foresee—was I not morally certain of the most ruinous consequences from a mismanagement of the affair, I should not address you with so much emotion and fervour. But when I perceive the impending evil, when every man of knowledge and impartiality entertains the same apprehension, I cannot, I will not conceal my sentiments. In such a case, no vehemence is excessive, no zeal too ardent. * * *

"Arise, therefore, and baffle the machinations of your and their country's foes. Every man of virtue, every man of honour will join you in defeating so iniquitous a design. To overthrow it, nothing is wanting but your resolution." He addresses each sect in turn, and then proceeds thus—"Having thus, my countrymen, accosted you as dis-

tinct denominations of Christians, I shall again address you as men and reasonable beings. Consider, gentlemen, the apparent iniquity, the monstrous unreasonableness of the claim I am opposing. Are we not all members of the same community? Have we not an equal right? Are we not alike to contribute to the support of the college? Whence then the pretensions of one in preference to the rest? Does not every persuasion produce men of worth and virtue? Why then should one be exalted and the other debased? You, I hope, will consider the least infraction of your liberties as a prelude to greater encroachments. Such always was, and such ever will be the case. Recede, therefore, not an inch from your indisputable rights. You have been told it—posterity will feel it. Indolence, indolence has been the source of irretrievable ruin. Languor and timidity, when the public is concerned, are the origin of evils mighty and innumerable. Why should you too late deplore your irresolution. No! defeat the scheme before it is carried into execution. Away with so pestilent a project; suffer it no longer to haunt the province. Alas! when shall we see the glorious flame of patriotism lighted up and blazing out with inextinguishable lustre? When shall we have *one* interest, and that interest be the *common good?*"

In the 27th number may be found a prayer composed entirely of different portions of the sacred volume, for the purpose of showing the impropriety

of confining the college to the use of the English form. No. 46 is entitled "Of Creeds and Systems, together with the Author's own Creed." This creed, which is drawn up in thirty-nine articles, is an attack partly upon the sectarian character of the Church of England, as manifested at the time, but more particularly upon bigotry of all denominations; and viewed in this light it affords a happy specimen of Mr. Livingston's humorous writings.

"It is well known that some have represented me as an Atheist, others as a Deist, and a third sort as a Presbyterian. My creed will show that none have exactly hit it. For all which reasons, I shall cheerfully lay before you the articles of my faith. * * *

"1. I believe the Scriptures of the Old and New Testament, without any foreign comments or human explanations but my own: for which I should doubtless be honoured with martyrdom, did I not live in a government which restrains that fiery zeal which would reduce a man's body to ashes for the illumination of his understanding.

"5. I believe that the word *orthodox*, is a hard, equivocal, priestly term, that has caused the effusion of more blood than all the Roman emperors put together.

"7. I believe that to defend the Christian religion is one thing, and to knock a man on the head for being of a different opinion is another thing.

"11. I believe that he who feareth God, and

worketh righteousness will be accepted of Him, even though he refuse to worship any man or order of men into the bargain.

"13. I believe that riches, ornaments, and ceremonies were assumed by churches for the same reason that garments were invented by our first parents.

"15. I believe that a man may be a good Christian though he be of no sect in Christendom.

"17. I believe that our faith, like our stomachs, may be overcharged, especially if we are prohibited to chew what we are commanded to swallow.

"37. I believe that, was it in the power of some gentlemen I could name, the Independent Reflector had long ago been cropped and pilloried.

"38. I believe that the virulence of some of the clergy against my speculations proceeds not from their affection to Christianity, which is founded on too firm a basis to be shaken by the freest inquiry, and the Divine authority of which I sincerely believe, without receiving a farthing for saying so; but from an apprehension of bringing into contempt their ridiculous claims and unreasonable pretensions, which may justly tremble at the slightest scrutiny, and which I believe I shall more and more put into a panic, in defiance of both press and pulpit."

At a subsequent period he offered the following apology for this and other portions of his work.

"A mighty clamour was raised against me

under pretence that I transgressed the bounds of my design, in writing against the Church of England. Of the falsity of this charge, whoever reads my weekly productions with an unprejudiced mind will be easily convinced. But to say something in vindication of myself:—I do declare that I never wrote a syllable with a view of censuring the church as such: I have only exposed her unreasonable encroachments. When one religious persuasion, in defiance of the equal rights of the rest, and in contradiction to the plain dictates of law and reason, openly advances a claim destructive of those rights; to sit as a calm and unconcerned spectator would, in a writer of my class, have been a treasonable neglect of the interest of the community. At this conduct indeed I took the alarm: it was my duty, my bounden, my indispensable duty."*

The 52d number of these essays appeared on the 22d of November, 1753, when, as has been already said, the printer, Parker, suddenly refused to continue it. A paper styled "The Occasional Reverberator," had been set on foot a few weeks previous for the purpose of sustaining the Reflector; but after the publication of three or four numbers, this also disappeared. A writer calling himself *Philo-Reflector* was soon forbidden the columns of the gazette in which his communications were at first

* Pref. to Ind. Ref. page 30.

printed; and he then republished "The Craftsman," a sermon from the Independent Whig, with a preface more particularly suited to the time.*

The Independent Reflector was republished, with a long preface, by Mr. Livingston in January of the next year, after repeated refusals on the part of printers, both in Boston and Philadelphia, to have any connexion with the obnoxious work; and the title-page bears the words, "Printed (until tyrannically suppressed) in 1753." This preface contains a long list of the subjects which it was the author's intention, had his paper continued, to have discussed; and some of them are well worthy of notice, as showing the germ of that free and full discussion of all matters connected with the public interest which effected the revolution, and which is yet far from having reached its goal. It is not difficult to imagine which side of these various questions he would have advocated.

"No. LVIII. Remarks on the 39th article of the Instructions to his late Excellency Sir Danvers Osborn.†

* This last work I have not been able to find. William Smith, afterwards provost of the College of Philadelphia, also published in this year a pamphlet entitled "A General Idea of the College of Mirania"—A Utopian institution—with reference to the New-York establishment.

† An article of the royal instructions to a preceding governor requiring the assembly to grant the chief-magistrate a permanent support. This scheme, highly obnoxious as making the governors completely independent of the colony, had been before attempted

"No. LXXVII. The Necessity of an established Colony Constitution.

"No. LXXIX. The equal Rights of British Subjects in the Plantations to the privileges enjoyed by their fellow-subjects in Great Britain asserted and vindicated.

"No. CVIII. Of the Importation of Negroes."

The matter of the college was shortly afterwards brought to a crisis. In May, 1754, the trustees, stimulated by the offer of a tract of land from Trinity Church, made solely upon condition that the charter should contain the two sectarian provisions, as to the president and the liturgy, petitioned Lieutenant-governor Delancey, who was then at the head of affairs, to incorporate the institution on those terms. Mr. Livingston alone, deserted even by his colleagues of the Dutch church,* presented a protest against the prayer of the petitioners. The two following letters may be found interesting, as connected with the same subject. The testimony of the writer as to the early state of our college is not, however, it must be remembered, that of entirely uninterested witness.

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without success. It created almost the only serious difficulty that existed between this province and the mother country before the passage of the Stamp Act; but the royal directions were in no one instance complied with.

* Benj. Nicoll, one of the trustees from the Dutch Church, appears to have been eager for the passage of the charter, if I may judge from a (MS.) letter from him to W. Kempe, 24th Oct. 1754.

"TO MR. CHAUNCEY WHITTELSEY, AT NEW-HAVEN.

"New-York, August 22d, 1754.

"DEAR SIR,

"Your brother did me the honour of waiting upon me this morning with your respects, and told me you desired from me a state of our college, and what was, or was like to be its plan and constitution. It was opened last June, in the vestry-room of the school-house belonging to Trinity Church. It consists of seven students, the majority of whom were admitted, though utterly unqualified, in order to make a flourish. They meet for morning prayers in the church, and are like to make as great a progress in the liturgy as in the sciences. The doctor's advertisement promises stupendous matters. He is even to teach the knowledge of all nature in the heavens above us. Whether he intends to descend as low as he soars on high, and conduct his disciples to the bottom of Tartarus, he doth not inform the public. We have at present no other teacher, nor have I heard of any in prospect. I have acquainted the trustees with the contents of your last letter, but we have had no meeting since I received it. The plan on which they would fix it, you will see by the paper enclosed. They expected the governor would have granted the charter on their preferring a petition, and I believe they had some assurances to that purpose; but the noise and uneasiness created by the protest which I published, on purpose to

create such noise and uneasiness, have so puzzled his h—r (who, like a thorough politician, cares no further about the granting or rejecting the petition, than as the one or the other doth best promote his political interest), that he has hitherto deferred his answer. The protest has indeed excited so great a fermentation in the province, that in consequence of the reasons therein urged, and some other steps that had been taken by me and my friends for rousing the people to an opposition, several of the members in our present session of Assembly are come with petitions from their constituents to them, against granting any further fund for the college till its constitution and government be settled by an act of legislation. The adverse party are also making interest with the members, to nod over the affair and leave it to the management of the trustees. But I believe we have a majority who will enter into an examination of their conduct, and vote for incorporating it by Act of Assembly. Had the printers not been overawed from publishing any thing on the subject in their newspapers, I am confident we should have raised so great a fervour in the provinces, as nothing but a catholic scheme would have been able to extinguish. However, a new press will be set up in the fall, and then I am persuaded (if not then too late) the trumpet will not cease to blow in Zion.

"After the session, I shall acquaint you with the event of this affair. Some of the members are greatly exasperated against the trustees, but they

have better hearts than heads, and are browbeat and nonplused by some of the house of better capacity than themselves. But they are lately inspired with much fortitude by the promise of a foreign aid, which I believe will render them a match for their antagonists. The act proposed and every other requisite will be prepared to their hands.

"With respect to my own transactions in this matter, as I have not been without the thanks of some, I have not wanted the malediction of others. Those who were at the bottom of the partial plan I opposed, and who thought it just on the point of being carried into execution, when I published the very scheme they had, not a fortnight before, absolutely disowned from having in view, will never forgive me; as this effectually prevented all possibility any longer to conceal their intentions of monopolizing the management of the college, they *waxed exceeding wrath*, and I repaid their anger by laughing at their resentment. I am, &c.

"Wm. Livingston."

"TO THE REV. MR. NOAH WELLES.*

"New-York, October 18th, 1754.

"Dear Sir,

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"In relation to Mr. Nicoll's letter on the subject of the charter for our intended college,

* Noah Welles, a Presbyterian minister, whose name occurs frequently in this volume, a classmate of Mr. Livingston, was

if our governor made the declaration you mentioned, all that I can infer from it is, that he appears to be as great a master of the art of tergiversation as the most consummate politician. It is no longer ago than last Thursday night that I conversed with him on that topic, and though he then talked like a man who had a double part to act, yet it appeared to me that he intended I should understand him as being resolved not to grant the petition. But my hopes are in the House of Representatives, and I am morally certain that the college would gain nothing by the charter, as the Assembly would never vote for the appropriating the money to a college on that plan.

"The Dutch Church has preferred a petition to the Assembly (now sitting), praying for a professor of divinity in the college, to be chosen and appointed by them. Which petition, for the reasons set forth in the same, I doubt not will be granted, and will not fail of having a good effect even should it be rejected. If it meets with success, it will secure to the Dutch a Calvinistic professor, and diminish that badge of distinction to which the Episcopalians are so zealously aspiring. Should it be rejected, as it will meet with opposition from the sticklers for a party college, that will animate the Dutch against them, and convince

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afterwards settled at Stamford, in Connecticut, and died on the 31st Dec. 1776, in the 57th year of his age. MS. letter to Gov. Livingston.

them that all their pretences to sisterhood and identity were fallacious and hypocritical.

* * * * *

"I wish you joy on the nativity of another daughter, though our having so many of the sex, promises not fair for many alliances by marriage.

"I am, &c.

"Wm. Livingston."

A pamphlet was shortly afterwards published, entitled "A brief Vindication of the Proceedings of the Trustees, relating to the College, containing a sufficient Answer to the late famous Protest, with its twenty unanswerable reasons." The allegations of this work, which charged Mr. Livingston, as secretary to the board of trustees, with making false entries on their minutes, were denied under oath by himself and Scott, and no proof appears to have been produced in support of the accusation.

The opposition was fruitless, and De Lancey, though as it appears with some reluctance,* granted the charter to the institution, under the name of King's College, in October following; and Mr. Livingston, in the vain hope, perhaps, of silencing his opposition, was appointed one of the governors under it.† It might have been sup-

* Vid. Smith.

† "As I could not conscientiously take the oaths of office," says Mr. Livingston (letter of 12th Jan. 1756), "I never frequented their meetings."

posed that this measure would have terminated the controversy, but the question was, as we shall see, soon afterwards revived in a somewhat different shape.

It may be here added that twenty years subsequent to this period, the ardent declamation and vehement invective of the Reflector furnished the students of Princeton college subjects for their exercises in elocution.* We ought also to notice, what the tone and temper of the paper might lead us to overlook, that it shows great acquaintance with modern and ancient classical literature, and contains a fund of polemical learning.

The following letter may be considered not altogether without interest, and it is valuable as proving that while actively engaged in the stormy disputes of the city, Mr. Livingston did not lose sight of the general interests of the colony, which presented at this time a much more lowering aspect.

"TO THE REV. DAVID THOMPSON, IN AMSTERDAM.

"October 28th, 1754.

"REV. SIR,

"Your letter to Mr. Van Wyck was shown me by one of his friends, and yours to Mr. Burr by a brother of mine (Mr. Peter Van Brugh Livingston), who I think generally encloses his letters for you to some of his correspondents at Amsterdam. I am extremely obliged to you for the honourable mention you are pleased to make of me in both

* MS. letter from Mr. Madison, 12th Feb. 1831.

these letters, which is vastly beyond any thing to which I have the vanity to pretend, * * more especially the inclination which you intimate in the last of the above mentioned letters of entering into a correspondence with me, which I esteem a singular honour.

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"As to our situation in respect of the French, it is truly perilous and deplorable.

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"In attaching the Indian natives to their interest, they (the French) spare no labour, no costs. The lower sort of their people they allow premiums to intermarry among them; and encourage others to teach their children to hunt and live after the Indian fashion. By these means they are early inured to toil and fatigue, learn all the wiles which the Indians use in their wars, and imbibe the same savage and unrelenting disposition. In their presents to the natives, the French are extremely expensive, and at the same time fail not to awe them with proper discipline.* The Indian castles [towns] they fortify, and supply with missionaries, who practise incredible arts to convert them to popery. I shall only give you two instances of these pious frauds to serve for an example. They persuade these people that the Virgin Mary was born at Paris, and that our Saviour was crucified

* "Notre nation," says Charlevoix, the Jesuit historian of Canada, "est la seule qui ait eu le secret de gagner l'affection des Americains."

at London by the English. A French Indian coming to Oswego, and discoursing with some of our traders on the subject of the Romish faith, insisted on its being the true religion, seeing his father confessor could work miracles, for that he had darkened the sun by a bare word of command. * * * The superstitious rites and fantastic trumperies of popery are so agreeable to the natural genius of the aborigines, who are fond of a showy and mechanical religion, that the Romish priests are much more successful in Christianizing (or rather papifying) them than the Protestant clergy. I must not on this occasion omit mentioning their canonizing a squaw by the name of St. Catharine, which piece of jesuitical craft greatly endeared the Romish faith to the pagans, who by that means, besides the common benefit of addressing their prayers to the rest of the saints in the calendar, obtained the supernumerary advantage of a particular advocate and intercessor of their own.

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"I was last June at Albany at one of the most famous Indian treaties that was ever held with the Six Nations. Their speaker, a consummate orator, told our governor and the commissioners from the other provinces:—'What reason have we to expect you should protect us, when you appear careless about your own defenceless situation? Your frontiers lie open and exposed—your forts are ruinous—your soldiers old and decrepit, and you act more like women than men.'

"At the treaty before mentioned, the several provinces concerted a plan for a general union, which has since been transmitted to England for the ratification of the parliament; and which I hope, by the Divine blessing, may enable us to repel the encroachments of an ambitious and barbarous foe.

"In the mean time be pleased, in the catalogue of your most faithful friends and humble servants, to rank

"Wm. Livingston."

In March of this year,* we find Mr. Livingston engaged with his brother Philip, his brother-in-law

* This perhaps is the most appropriate place for introducing the following details of the life of John Morke, an individual whose name occurs on the journals of the Assembly of New-York during the year 1754. (Journal for 14th and 21st November.) They are in nowise connected with my immediate subject, yet as I have some original papers relating to this singular personage, and as every new light thrown either upon the private or public history of our colonial period is valuable, I may be excused for inserting the substance of them in an episodial note.

Jens Mörke, or John Morke, as his name is translated, a Dane by nation, was born about the year 1690. He probably received an education somewhat superior to his class, though his MSS. show no great literary proficiency. The earliest document among the papers to which I have referred is a certificate of admeasurement, and license of enrolment for his ship the Sarah and Elizabeth, from the commissioners of the revenue board of Denmark, dated 14th Jan. 1717. Early in life he abandoned his native country to pursue his calling, that of the sea, under the British flag, entering probably the merchant service. Soon afterwards he came to this country, and in 1724, being in England, he received from the Duke of Hamilton and Brandon a

Mr. Alexander (afterwards Lord Stirling), Mr. Scott, and one or two others, in laying the foundation of a city library, the same that now bears the name

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letter of attorney, in which he is called "John Morke, of Boston, in New-England," authorizing him to grant leases of a tract of land sixty miles square, lying to the east of Connecticut river, upon Long-Island Sound, which had been conveyed by the council of Plymouth, in 1635, to the great grandfather of the Duke, James, Marquis of Hamilton; but which, owing to the civil wars, as the power recites, had not been appropriated by him or his descendants.

Under an agreement with the duke, by which he was to receive a salary of somewhat over 200*l.* per annum, Morke sailed for New-England. Nothing appears, however, to have been accomplished for the benefit of his principal; the Dane probably finding some difficulty in persuading the sturdy squatters of Connecticut to admit a claim which had lain dormant for three generations. In 1729 we find him pursuing his original vocation, and plying as captain of a small sloop between Boston and Albany.

In August, 1732, he sailed in his own brigantine, the Dolphin, from Boston for Glasgow, and remained in or about England till August, 1737, when, under an agreement with John Winthrop of London, he returned to work a black-lead mine at Tanteasques, New-England. Here he became embroiled with some of Winthrop's agents, was maltreated, as he asserts, by Mrs. Winthrop, and finally left the place, in about two years after his arrival, for England. This is a specimen of his success in every thing he commenced. He was evidently one of those unfortunate creatures, who, owing to what fatalists call ill-luck, and others term want of skill and tact, although endowed both with intellect and activity, perpetually fail in every thing they undertake, and flounder on from enterprise to enterprise, till loss of fortune and reputation is followed up by loss of life.

of the Society Library of New-York, and which is at present a larger and more flourishing institution than any in the country of so late a date, with the

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I next find Morke, in January, 1740, entering into a formal contract with one James Graham, wine merchant of Lambeth, by which he binds himself, in consideration of the secret of extracting silver from black-lead having been revealed to him by Graham, to procure for the latter certain quantities of that commodity, and never to disclose the process except on his death-bed. This agreement seems completely to have unsettled the brain of the unlucky captain, and the plans and schemes that remain among his papers are among the most ludicrous offsprings of a visionary mind.

In 1742, he submitted to the commissioners of the Navy-Board the sketch of a mode of "Destroying or compelling the surrender of any fleet or number of enemy's ships, whether at sea or in port." It appears to have been, however, but coldly received. This was but the harbinger of an infinity of schemes which chased each other rapidly through his head; the titles of a few will convey some idea of his intellect. "Scheme of a floating dock—Plan to cure butter—To cure leather—To crush the French in America—To save men's lives who fall overboard—A plough to make three furrows at once—Pipes to convey water—An expeditious mode of surveying—A mode of covering ships—Of clearing land—To clean white gloves—To crush the Pretender!"

So far as his motions can be traced, Morke remained in England, memorializing the government, and tormenting the commissioners of every department until 1753, when he made a short trip to the North American colonies, returning in the course of the same year. In April, 1754, he received a letter recommendatory from the Marquis of Halifax to Governor Shirley (which may however have been a Bellerophon-like epistle), and sailed for

* See Smith.

single exception of the Boston Athenæum. Instead of boasting over-much, however, of its actual condition, ought we not rather to ask why our establishment, in the heart of the American metropolis, should yield even to the venerable collection of Harvard?

To this or the preceding year belongs an anecdote, which well illustrates the inflexibility of Mr. Livingston's character, in all matters where truth or consistency was involved. News reached New-York, that a troop of comedians were coming to the city, and the principal gentlemen of the place, among whom was the subject of this memoir, taking the matter into consideration, came to the conclusion that theatrical entertainments belonged to a class of luxuries injurious to the colony,

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New-England—his illustrious patron no doubt overjoyed at having despatched so troublesome an applicant. Shirley passed him over to Delancey, and Morke was kindly received at New-York by Kempe, then attorney-general. His scheme of a floating battery was submitted to the Assembly, but the session closed before any thing was done in his behalf. Disappointed, but not disheartened, the captain proceeded in the following spring to lay this his favourite plan before Dinwiddie, governor of the colony of Virginia. He was here received with equal indifference, and it was made manifest, in spite of the humane efforts of John Blair, then a member of the Assembly, that nothing would be done to assist him. This was the last mortification he was destined to experience; impoverished, enfeebled by a paralytic attack, worn out in mind and body, this unfortunate visionary died at Williamsburgh, on the 11th of July, 1755. His papers left with Kempe have furnished the materials of this sketch.

and which ought not to be patronized. They accordingly entered into a mutual agreement for themselves and their families, that in no case would they attend the performances. When, however, the actors arrived, and proved to be accomplished in their vocation, the remonstrances of the officers and attachés of the government became so loud, and the entreaties of the young beauties so urgent, that their united forces gradually vanquished the opposition of the worthy burgesses,—till, one by one withdrawing from the compact, Mr. Livingston found himself alone in his opposition to the drama. Neither fashion nor the entreaties of his daughters could, however, make him depart from his resolution, and so long as the company remained, so long were his family tantalized by the description of pleasures which they were not allowed to enjoy.

The advocates of a sectarian college had, as we have said, partially succeeded, but an act of the Assembly now became necessary to transfer the funds originally vested in trustees to the hands of the new governors under the charter, and here again they were met by their persevering opponents. The project of a separate paper having failed, the leaders of the liberal party, by dint of much persuasion (what more solid inducements does not appear), prevailed upon Hugh Gaine, the editor of the New-York Mercury, to admit their essays into his columns, which had been hitherto monopolized by the Episcopalians. The following letter is connected with this subject.

"TO MR. NOAH WELLES, STAMFORD, CONN.

"December 7th, 1754.

"DEAR SIR,

"We have at length with great trouble got Mr. Gaine to enter into an agreement with us to allot us the first part of his newspaper for the publication of our thoughts, which we do under the name of the Watch Tower. As this paper will be a kind of medium between the Reflector and the Spectators, which you told me you would be willing to assist in, I should be extremely glad you would bear a part in the compositions. We propose, indeed, to write chiefly upon politics, and to open the eyes of this province respecting many measures, the concealment of which is the only thing that keeps them from being defeated. But as our scheme is very comprehensive, we shall have no objections against now and then publishing a paper merely speculative, though the greater the turn which can be given to it to suit our circumstances, the better it will be relished by the public. The affair of the college is not yet settled. The governor has passed a charter for a church-college, and the Assembly voted to print a bill, which was brought in by my brother, for a free one, but whether it will pass the House we know not. At the beginning of the session we had a majority, but as the governor interests himself warmly in the matter to support his charter, some of our party began to flag, for which reason we thought it most proper

not to run the risk of a vote, but to take it from the committee, with a resolve to have it printed, hoping that the public, by comparing the charter with the bill, will give the preference to the latter. So that we intend to improve the time between this and the next session, to keep the province warm in so momentous an affair. The Dutch begin to see, and the designs of our adversaries give a more general umbrage than ever.

"As almost all the authors of the Watch Tower are men of business, I hope you will not refuse us your assistance, for we would by no means suffer a week to slip without something, though we could not always furnish a paper on our public controversies. For if we once drop it, it may be difficult to get the printer in the same humour. He is a fickle fellow, and easily intimidated by our opponents. However, we have entered into articles of agreement, in writing, which we hope he will not break through.

"I am, Sir, yours, &c.

"Wm. Livingston."

The first number of The Watch Tower appeared on the 25th November, 1754. This series of essays was, as had been the case with the Reflector, the production of various hands, superintended by Mr. Livingston, and the greater part of them, so far as can be determined by the style, were communicated by him. They are not absolutely confined to the subject of the college, and we find

papers on "Good Judges"—"The Encroachments of the French"—"The Liberty of the Press," and various collateral topics.

The advocates of the charter-college, in the mean time, as may be gathered from the foregoing letter, met with earnest opposition in the Assembly, and a disposition was shown by that body to treat the question impartially upon its merits. The petition of the trustees, and Mr. Livingston's protest, were entered at large upon their journal, and a bill drawn by Mr. Scott, for establishing an institution upon broader principles, was introduced by the representative of the Livingston Manor. Neither party, however, was desirous of bringing the question to an immediate issue, and the House adjourned on the 7th December, 1754, without coming to a decision. Mr. Scott's bill, in the mean time, was printed, and circulated throughout the province, that the inhabitants might have an opportunity of comparing the merits of the established and the proposed institutions. It is unnecessary to go more at length into the details of this controversy, which every day became more and more violent. The following extract from the Mercury, for the 3d of February, 1755, will show the excited state of feeling on the subject.

"THE WATCH TOWER—No. XI.

"As I sat the other evening, smoking my pipe, and ruminating in the elbow-chair on what would

probably be the situation of this province about twenty years hence, should a certain faction succeed in their meditated encroachments on our liberties, I fell into a kind of methodical dream, which disposed all my contemplations into the following vision. Methought I saw one of the printer's boys entering my room and delivering me a newspaper, the reading of which made so strong an impression upon my mind, that I question whether I have forgot a single article of its contents, and as nearly as I can recollect it ran thus.

"*The New-York Journal, No.* 15, *published by Authority.*
6*th February*, 1775.

"Extract of a letter from a clergyman in the county of Albany to his grace the Bishop of New-York:—'I make no doubt but by the blessing of God, and your lordship's rigorous measures, we shall reduce this obstinate colony to the obedience of the church. They are a stubborn, contumacious generation, and naturally averse to prelacy. Hence the business of the tithes goes much against the grain.' * * *

"Extract from the votes and proceedings of the General Assembly, in their last session:—'The speaker left the chair, and attended his excellency with the House; and being returned, he resumed the chair and reported to the House, that his excellency in the presence of the Council and the members of the House, had been pleased to give his assent to four acts passed this session; the titles whereof are as follows: An act for the better ascertaining and the more easy recovery of tithes.—An act against reading Calvinistical and other heretical books.—An act to disable all dissenters from sitting in the General Assembly.' * * *

"Yesterday the Dutch performed Divine worship for the last time, in the new Dutch church, the whole congregation consisting of about 150 adults. It is said that Dominie Van Haaren, the

minister, particularly bewailed the ruin of that once flourishing congregation, and reminded them of their folly in having so long been deluded by their enemies, after such repeated warnings of their artful designs, of which, and some other unwarrantable liberties, it is said the government will take suitable notice.

"On Wednesday last, the Reverend Mr. Lambertus Van Schenkle, Dutch professor of divinity in the college of New-York, was deposed from his office for saying in one of his lectures, 'That Christ is the supream head of the Christian church;' and in order to prevent the like heresy for the future, the governors of the said college have passed a resolve that none but an Episcopalian be for the future promoted to the said professorship. * * *

"W."

The 52d and last number of The Watch Tower appeared in the Mercury, for the 17th November, 1755, while the application of the governors was still pending. The last papers contain an address to the new chief-magistrate, Sir Charles Hardy, who had just arrived, going at length into a narrative of all the facts connected with the charter, and the measure then before the legislature. The paper thus closes.

"As I had no other view in commencing writer than barely to defend the public rights of that society of which I am a member, it was always my intention to discontinue the publication of my weekly labours as soon as the safety of the cause in which I was embarked would permit. The apparent success my papers have met with in removing the vulgar prejudices of some, and exposing the latent injustice of others, rendered the task delightful to me, in spite of all the calumny

of my enemies, or the power and interest of those whose measures I had justly undertaken to oppose. * * * That I have been vigilant in my station, the event of my undertakings has sufficiently evinced. The highest hopes of my antagonists are entirely blasted, and our representatives, ever tender of the liberty and privileges of their constituents, have sufficiently demonstrated their aversion to a party-college; and even its most vigorous advocates have, in a manner, given up the cause. No valuable end can therefore be attained at present by the continuation of my labours; for which reason I shall suspend them for the future, reserving only my right of being heard with candour and impartiality whenever the interests of my country shall occasionally require my appearance in print. In justice to my printer, I must confess that he has promised me at all times a place in his paper, and as often as the conduct of an aspiring party renders it necessary to expose their measures, I am determined to sound the alarm, though I flatter myself that bigotry will hide its head in shame under the administration of Sir Charles Hardy."

Mr. Livingston thus speaks of the termination of the work, in a note, dated 26th November, 1755, to Dr. Lambertus De Ronde,* a minister of the

* This gentleman remained true to the cause, which at this early date he had espoused. He quitted New-York in the summer of 1775, and retired to New-Jersey, in very straitened circumstances, where he was still in 1780.

Dutch church. Mr. Livingston at this time spoke Latin imperfectly, but wrote it with fluency. "Amicus noster invictusque pro re publica pugnator (the Watch Tower), in ipso ætatis ac victoriarum flore, septimane superiore diem clausit extremum. Nec alienis hostilibusque viribus interfectus est, sed lubens et more triumphantium, memorque patriæ atque pristinæ dignitatis suæ, pugnans victorque a prælio decessit. Hanc ob causam plus nobis quam olim est otii.——"

About this time various publications issued from the colonial press, in support of the same cause. Among other works, the trial of McKeemie, a dissenting minister treated with great rigour, if not oppression, under Lord Cornbury's administration, was reprinted with a preface by Mr. Livingston; and the Watch Tower itself was, I believe, republished in a collected form not long after it ceased to appear periodically. The expenses of these efforts to enlighten the public mind were probably defrayed by a few persons, but seem not to have borne hardly on any individual.*

The result of this angry controversy was not so gratifying to the dissenting party, as might be gathered from the tone of their last publication. The honors of success were divided with their opponents. The governor, Hardy, is said to have

* I have a receipt from Hugh Gaine, dated 28th Nov., 1755, for 15*l.*, paid him as the proportion of Mr. Livingston and Mr. Alexander, for printing the trial of McKeemie and the Watch Tower.

received the deputation, which presented him the address of the editor of the Watch Tower with some coolness, and to have been inclined to favour the Episcopalians.* The subject remained, however, untouched until November, 1756, when a bill was brought into the Assembly, vesting one half of the funds held by the trustees, in the governors of the charter college, and appropriating the other moiety for the purposes of erecting a jail and pest-house. It was introduced on the 27th of November, and approved on the first of the next month. The rapidity with which so important and long-contested an act passed might excite suspicion that some parliamentary stratagem ensured its success, but no such language is used by the opponents of the college in their subsequent publications. They uniformly speak in language of high self-gratulation of this partial victory, as the triumph, although incomplete, of enlightened and assiduous exertion over sectarian ambition, backed by the influence of office; and when we reflect that these funds were raised with the express intention of devoting them to the college, the diversion of any portion may justly be considered as a victory. The college was the greatest sufferer by the controversy, and it is probably to the opposition of influential men, so unwisely excited, that its tardy growth was owing, and that it could hardly be said to have an existence as a

* Vid. Chandler's life of Dr. Johnson.

literary institution of the first class until after the revolution.

On the 20th February, 1756, at the age of sixty-six years, Mrs. Catharine Livingston, the mother of the subject of these pages, died at New-York. Little is known of her, save that she was remarkable for her high temper, and for those simple and thrifty habits to which her Dutch pedigree entitled her.

It is somewhat surprising that we should not be more proud of our partial descent from a nation at one time so conspicuous in European history. We are accustomed to speak of the unostentatious and commercial habits of the Dutch settlers of New-York in a tone which is rarely applied to the citizens of the mother country. The Holland dynasty of New-Amsterdam was, it is true, short-lived and disastrous; but it would be curious to inquire how far our opinions on this subject have been influenced by Mr. Irving's mock history of our city. Pretended facts have often proved to be fiction, but this is the first time that acknowledged fiction has been adopted as fact. The exquisite satire is quoted as grave authority, and the ludicrous images of Knickerbacker are incorporated with our historical lore. The subject is too comprehensive to be discussed in this place, but I would recommend any who are tenacious of their Dutch ancestry to some very liberal and philosophical remarks, connected with this matter, in Mr. Graham's History of the United States, a work, the unfinished state of which is much to be regretted.

CHAPTER IV.

Mr. Livingston publishes an *Eulogy of the Rev. Aaron Burr*—Writes *The Review of Military Operations in America*—*Verses*—Is returned to the Assembly in 1759—Cause of Forsey and Cunningham, 1764—Publishes *The Sentinel*—The Stamp Act—Controversy on the subject of an American Episcopate—Mr. Livingston publishes a *Letter to the Bishop of Llandaff* in 1767—Letters to and from Dr. Samuel Cooper—Edits *The American Whig* in 1768–69—Publishes a *Satire* upon Lieut. Governor Colden—The Moot.

The Reverend Aaron Burr, president of the college of New-Jersey, father of the former Vice-President of the United States, died in September, 1757. He was a friend and correspondent of Mr. Livingston, and an eulogy of him was published by the latter immediately afterwards.* The chief topics of the praise of the deceased are his love of country, and the strong religious tone of his charac-

* The original title ran thus—A funeral Eulogium on the Reverend Mr. Aaron Burr, late president of the college of New-Jersey. By William Livingston, Esquire.

> Of comfort no man speak.
> Let's talk of graves and worms and epitaphs,
> Make dust our paper, and with rainy eyes,
> Write sorrow on the bosom of the earth.
>
> Shakspeare.

> Stat sua cuique dies, breve et irreparabile tempus:
> Omnibus est vitæ, sed famam extendere factis,
> Hoc virtutis opus.

ter. The pamphlet was reprinted in Boston the subsequent year, which we must ascribe to the reputation either of the author or his subject. As a proof of the high merits of Mr. Burr, it may still be considered valuable, but as a literary production, it is not in anywise remarkable, and deserves no particular notice.

In the same year, though a few months previous, appeared a work by Mr. Livingston, which, connected with subjects of more general interest than his previous writings, obtained a much wider circulation. It was first published at London, by Dodsley, and the original title was as follows: "A Review of the Military Operations in North America from the commencement of French hostilities, on the frontiers of Virginia in 1753, to the surrender of Oswego, on the 14th of April, 1756, interspersed with various observations, characters, and anecdotes necessary to give light into the conduct of American transactions in general, and more especially into the political management of affairs in New-York, in a Letter to a Nobleman."

In this work Mr. Livingston is said,* I know not on what authority, to have been assisted by William Smith and John Morine Scott. For the facts which it contains, he was probably in a considerable degree indebted to his brother-in-law, Mr. Alexander, afterwards Lord Stirling, who was about this time secretary to General Shirley; and agree-

* Mass. Hist. Soc. Coll. vol. vii., where this pamphlet is republished.

ing, as he is known to have, with the two persons first named in their views of the politics of the province, it may be supposed that they took an interest, perhaps an active one, in its composition and progress, but the work as it now stands bears strong marks of being the production of a single hand. The internal evidence is indeed so complete, that even without the author's assertions, which are positive, I should consider it more probable that it was written by any one of the three already named, than by them conjointly.

To go at length into an analysis of this pamphlet, would require a much more complete account of the situation of New-York, at that period, than belongs to the present work. It is sufficient to say, that the colony was divided into two great parties. The one, comprising the body of the Episcopalians, headed by James De Lancey, was at the time predominant in the Legislature. Among the leaders of the opposition, which embraced a portion of the Dutch congregation, and the mass of the English dissenters, the members of the Livingston family were perhaps the most prominent. Close examination shows us that these two factions contained the germ of the whig and tory parties of the revolution. This can be perceived more easily in the subsequent course of the leaders, than in the opinions they at this early period advocated. There were exceptions on both sides, but a great majority of the De Lancey section remained in New-York after 1776, under the

protection of the British. Oliver De Lancey was made a brigadier-general in the English ranks. The Livingstons, on the contrary, with their friends, almost to a man, took the opposite side in the revolutionary, as they had in the colonial struggles.

Sir William Johnson, an adherent of the De Lancey party, received a great share of the scanty honours of the American campaigns of 1755 and '56, while Shirley, during a part of the time commander in chief, and in some points of view a rival of the lieutenant governor of New-York, became very obnoxious to his faction. He was at least unfortunate, and both at home and throughout the colonies was made the object of severe censure and invective.

The opposition in the province of New-York, by whom Johnson was considered only a lucky subordinate, and Shirley looked upon as a wise and brave, though unfortunate man, stepped forward to support the failing credit of the latter, and the pamphlet of which we have just spoken was published with this design. It is dated New-York, 20th September, 1756. The manuscript was first given to the press in England through the hands of Mr. Alexander, and the work was immediately afterwards reprinted in the colonies. It is written with ability and perspicuity, and throws great light upon the colonial politics of New-York. Allowance is however to be made for its bitter attacks upon the character of De Lancey, Pownal, and Johnson. It is cited by Minot, in his History of Massachusetts, and has a

permanent place among those original authorities which form the groundwork of our provincial annals. Smith says of it, although his testimony as that of an interested witness is perhaps to be taken with some deductions, "No reply was ever made to this pamphlet; coming out when America was little known, and transactions here still less, it was universally read and talked of in London, and worked consequences of private and public utility. General Shirley emerged from a load of obloquy. His extensive designs acquired advocates; his successors became cautious and vigilant; party-spirit less assuming, and the multitude so enlightened, that several changes were made on the next dissolution."*

And now let us vary the dull record of political and polemical controversy for a gentler theme. The following lines by Mr. Livingston are without date, but though they were probably written before the period at which we have arrived, they find their most appropriate place here. Although far from faultless, they are graceful and poetical, and would scarcely be supposed to flow from the vehement and troubled source of the effusions we have just examined.

Soon as I saw Eliza's blooming charms,
I long'd to clasp the fair one in my arms;
Her ev'ry feature prov'd a pointed dart,
That pierc'd with pleasing pain my wounded heart:

* Ed. 1830, vol. ii. p. 311.

And yet this beauty, (it transcends belief)
This blooming beauty is an arrant thief.
Attend; her numerous thefts I will rehearse
In honest narrative and faithful verse.
From the bright splendour of the noon-day sky
She stole the sparkling lustre of her eye.
Her cheeks, though lovely red, still more t' adorn,
She filch'd the blushes of the orient morn.
T' embalm her lips she robb'd the honey-dew;
T' increase their bloom, the rose-bud of its hue.

* * * * *

Her voice, enchanting to the dullest ears,
She pillag'd from the musick of the spheres.
To make her neck still lovelier to the sight,
She robb'd the ermine of its spotless white.
From Virgil's Juno (Jove's fictitious mate),
She stole the queen-like and majestic gait.
Of all her charms she robb'd the Cyprian queen,
And still insatiate, stripp'd the *Graces* of their mien.
But now to perfect an harmonious whole,
With those internal charms that can't be stole,
Kind Heaven, without her thieving, took delight
To grant supernal grace, and inward light;
To charms angelic, it vouchsaf'd t' impart
Angelic virtues and an angel heart.
Thus fair in form, embellish'd thus in mind,
All beauteous outward, inward all refin'd;
What could induce *Eliza* still to steal,
And make poor plunder'd me her theft to feel?
For last she stole (if with ill-purpos'd art
I'll ne'er forgive the theft), she stole—my heart;
Yes, yes, I will, if she will but incline
To give me half of hers for all the whole of mine.

The Assembly of the colony of New-York, at this period chosen septennially, was dissolved in

the latter part of the year 1758. The election which ensued was unfavourable to the De Lancey party. The college controversy had roused the great body of the people, strenuous efforts were made by the opposition to foster the excitement, and they were completely successful. Mr. Livingston was returned from his brother's manor, and three others of the name were sent by different districts. "From this time," says Smith,* "we shall distinguish the opposition under the name of the Livingston party, though it did not always proceed from motives approved by that family."

The Assembly was at this period, however, but slightly tinctured with the spirit of faction. Great Britain was engaged in a formidable war, which pressed upon no part of her dominions so heavily as on the northern colonies of America; and the hostile temper of their internal dissensions was obliterated in the general conviction that their united efforts were demanded not merely to obtain victory, but to preserve their existence. The colonial administration was too wary to create excitement by the introduction of disputed topics, and the majority, confident in their own strength, lent themselves with alacrity to the measures of the government, directed against the common enemy.

The new Assembly was called together in February, 1759, and the answer of the House to the message of the lieutenant governor, congratulating

* Vol. ii. p. 331.

them on the reduction of Fort Du Quesne, and recommending various measures to be adopted with reference to the war, seems to have been the production of Mr. Livingston. On the 9th of February, we find him placed, with his brother Philip and others, on a committee appointed to concert a plan of defence for the frontiers, and during the whole period of his membership he appears to have been actively engaged in his legislatorial duties. It is unnecessary, however, to follow him through the successive adjournments of this Assembly, which was convened to do little more than pass bills for the facilitation of the conduct of the war.

In July, 1760, the lieutenant governor, James De Lancey, died suddenly, and the reins of office fell into the hands of Cadwallader Colden, as president of the Council. On the 22d of October, the new chief-magistrate delivered his first speech to the Assembly, congratulating them on the success of his majesty's arms, which had now secured the conquest of Canada, effected the preceding year. "William Livingston," says Smith,* "penned the address offered in these triumphant moments of joy, and made the congratulatory echo louder than the first sound."

The only remaining act of this Assembly which it is necessary to notice, is the bill passed on the 8th of November, 1760, authorizing Livingston and Smith to digest the laws passed subse-

* Vol. ii. p. 349.

quent to November, 1751. The task was accomplished, as has been already said, in 1762. At this time the House was adjourned, and shortly after by the death of George II. it was dissolved. The next elections were still more favourable than the preceding to the liberal party, but Mr. Livingston now retired to the practice of his profession, leaving the manor to be represented by his nephew. This was his only connexion with a deliberative assembly until the year 1774.

The dispersion of Mr. Livingston's correspondence, to an extent which may be perhaps understood when it is said that of all the letters written to him before the revolution, scarcely fifty remain, renders it necessary to rely for this portion of my narrative, to a considerable degree, upon those printed materials, which give the particulars of his life so far as connected with public transactions; and as at this time there occurred no matter of any general interest, and he held no office, I am compelled to leave an hiatus of nearly four years.

Towards the close of the year 1764, a controversy of great interest to the colony grew up, which, as Mr. Livingston took an active share in it, I may be allowed to trace from the beginning.

An action brought by Thomas Forsey against Waddell Cunningham for assault and battery, was tried at the October term of the Supreme Court, and a verdict found for the plaintiff with £1500 damages. A motion for a new trial on the ground of excessive damages was denied.

In this stage of the cause, there being, it appears, no pretence of error on the part of the court, Robert R. Waddell, acting under a power of attorney from the defendant, the counsel previously employed refusing to take any farther steps unknown to the law, moved to enter an appeal to the governor and Council, who exercised a well established and familiar jurisdiction as a Court of Errors. The judge disallowed the entry, saying he should not object to a writ of error, but that he knew of no appeal from the verdict of a jury.

The unprecedented application of Waddell, which, had it been successful, must have gone far to take the decision of facts from under the control of a jury, found more favour in the eyes of Lieutenant-governor Colden, who, basing himself upon the literal meaning of the word "appeal," as contained in one of the royal instructions, granted an order to arrest all further proceedings in the cause. The chief justice, Horsmanden, disregarded the command, and perfected the judgment; but the clerk, daunted or embarrassed by this novel writ, refused to seal the execution. The lieutenant-governor now issued another instrument, commanding a return of the record and proceedings before himself in Council, "for the better enabling the said governor and Council to determine the matter of the said verdict."

This writ came before all the judges in turn, and each with a most honourable firmness, refused to allow any return to it whatever, and each delivered

his written opinion against the proceeding. These documents, which were shortly after printed, lay great stress on the unconstitutionality of this endeavour to set aside a verdict, and on the impossibility of making any sufficient return of evidence. It is not the first time that the chosen guardians of the law have preserved their trust inviolate, and that even the grasp of power has failed to soil the purity of the judicial ermine.*

For the satisfaction of the Council, as it seems, the opinions of the most eminent advocates of the New-York bar were now taken. Mr. Livingston delivered his against the course pursued by the governor, in which Smith junior, Scott, Duane, and John Tabor Kempe, attorney general (though the last somewhat less explicitly) concurred.

Colden, still remaining of his original opinion, urged the measure upon the Council on the grounds that the appeal was warranted by the royal instructions; that no writ of error could lie in the American colonies, because they were not parcel of the realm of England, and that jury trials were often an imperfect mode of arriving at truth.† The

* The names of the magistrates composing this bench should be remembered. It consisted of Daniel Horsmanden, chief justice, and William Smith senior, David Jones, and Robert R. Livingston, puisne judges.

† These form the chief topics of Colden's argument, communicated to the Council with a request of secrecy. I have the original MS. from the papers of John Watts, then a member of that body.

Council, however, upon a second petition addressed immediately to them, in January, 1765, unanimously refused to take any steps whatever. In this position, the hands of both plaintiff and defendant tied up, the matter rested for some time.*

The mind of Mr. Livingston had, however, been roused, and on the 28th of February, 1765, he commenced a series of papers entitled "THE SENTINEL," published in Holt's New-York Weekly Post-Boy. He appears to have received some assistance in their composition, and not improbably from his former coadjutors. The first numbers

* At the instance of the lieutenant-governor, as may be safely assumed, an order of the king in privy-council, dated the 26th July, 1765, was obtained, which so far countenanced the appeal, that the Council of New-York, in October following, gave their assent to it. A writ framed like the preceding was immediately issued, but the court, with a boldness and consistency which deserve the highest credit, refused to allow any return to it, declaring, as they had already done, that if a writ of error were taken, they should put no obstacles in its way. On the 14th December, 1765, the Assembly took up the matter, and entered a report in full upon their journals, detailing the principal facts in the cause, severely censuring the course adopted by the lieutenant-governor, and passing great encomiums upon that of the judges. I find no further traces of the matter, and it was probably abandoned. A report of this case appeared in a separate form while it was pending. Another pamphlet was published in 1767, entitled "The conduct of Cadwallader Colden, Esq., lieutenant-governor of New-York, relating to the judges' commissions, appeals to the king, and stamp-duty," in defence of his conduct. The Assembly made every effort to discover the author without success. See the proceedings of the House of 23d December, 1767, et seq. The pamphlet I have never met with.

are devoted exclusively to the legal questions arising out of Forsey's case; but soon branching off, he touches upon most of the prominent topics of the day.

There is no number of these essays exclusively devoted to the subject of the stamp-act, the opposition to which was now rapidly drawing to a head;* but we find more than enough to show how fully the writer coincided with the wisest patriots of the country, in his opposition to the principles out of which that obnoxious measure grew.

The most striking of the Sentinels is entitled, "*A New Sermon to an Old Text.*" The text is, "Touch not mine anointed—" a sentence which it is the drift of this homily to show had been altogether misunderstood by previous commentators, —and that not monarchs, but the people, are in fact the favoured of Heaven. He then proceeds to show in what "touching" the people consists, and he proves conclusively that "the Lord's anointed" must be very tenderly handled. It is a curious paper, and forms one of the many proofs going to show at how early a period the American mind took that direction, which now for half a century it has steadily maintained.

The twenty-eighth and last number of the Sentinel was published on the 29th of August, and its cessation, at that critical period, attracted

* The day fixed for the Stamp Act to go into operation was the first of November, 1765.

general attention. Whether it is simply to be accounted for by the engrossing calls of his profession, or that the violent character which the opposition to the ministerial schemes about this time assumed, threw the conduct of the party into the hands of more vehement and daring spirits, it is now impossible to ascertain.—Perhaps the following paragraph, written in 1768,* well expresses the feelings with which Mr. Livingston regarded the then state of public opinion. "I could not look on the late tumults and commotions occasioned by the unhappy Stamp Act, without the most tender concern, knowing the consequences ever to be dreaded, of a rupture between the mother country and these plantations, which is an event never to be desired by those who are true friends to either." We shall see at a later period, that it required the ten years of ministerial mismanagement and oppression, completely to uproot his colonial prejudices and early affections in favour of the English government, and to enable him to lay hold of the plough, without casting a glance behind.

In the fragment of auto-biography, written by Arthur Lee,† there occurs a striking proof how widely the reputation of Mr. Livingston as a firm and consistent whig, was spreading throughout the country. Mr. Lee, in 1766, when about to

* American Whig, No. 42. It does not purport, on its face, however, to be written by Mr. Livingston.

† Contained in his life by R. H. Lee, Esq., vol. i.

return to England, with that energetic ardour which has connected his name so indissolubly with our early history, made a tour through the colonies north of Virginia for the purpose of establishing correspondences, as he says, with leading patriots in each colony. "Together with Dulany and Dickinson," he continues, "I had in contemplation the leader of the Livingston party in New-York, who is at present governor of New-Jersey." The meeting did not take place, Mr. Livingston being in the neighbouring province, where he had been called by the death of a favourite son (Philip French) about nine years old, with whose education he had taken great personal pains, who was drowned in the Hackensack.

In the year 1767, the sectarian jealousy which prevailed, as we have already seen, in New-York, and the seeds of which, from various sources we learn, were widely sown throughout the colonies,* was roused to a great and general excitement. As this is a subject which, if not treated in an impartial and liberal frame of mind, might even at this late day awake those feelings which are prejudicial to the best interests of religion, I cannot better introduce the subject than by quoting the dignified language of a venerable divine belonging to the church, of the opposition to which at an early period of our history I am now to speak.

* Tudor's Otis, chap. x. Wirt's Henry. Ramsay's Am. Revolution, vol. i.

"In regard to the motives of the parties in the dispute," says Bishop White, when speaking of the angry dissensions on the subject of the establishment of an episcopate in the colonies, "there are circumstances which charity may apply to the most favourable conclusions. As the Episcopal clergy disclaimed the designs and the expectations of which they were accused, and as the same was done by their advocates on the other side of the water, particularly by the principal of them, the great and good Archbishop Secker, they ought to be supposed to have had in view an episcopacy purely religious. On the other hand, as their opponents laid aside their resistance of the religious part of it, as soon as American independence had done away all political danger, if it before existed, it ought to be believed that in their former professed apprehensions they were sincere."*

The British Society for the Propagation of the Gospel in Foreign Parts, a body possessed of large funds, and dignified by great names on the list of its members and patrons, was incorporated in 1701. Among its various efforts to disseminate religion through the colonies, many of which were marked by a benevolent and generous spirit, this society had always cherished, as a favourite scheme, the establishment of an American episcopate. As early as 1714, an order is said to have

* Mem. of the Prot. Epis. Ch. in the U. S., Phil. 1820.

been obtained from Queen Anne, who favoured the project, for the draught of a bill to be laid before parliament to this end. The death of that princess put a stop to the measure, and for a long time afterwards it appears not to have been thought of.*

But the jealousy of the dissenting colonists was fully awakened. Their ancestors had suffered too much from the incorporation of the civil and religious power, that they should see with indifference the aggrandizement of a sect already befriended to an unequal degree by their brethren at home. With a wise forecast, they resolved to withstand what might even have the semblance of an encroachment upon their religious rights, and to prevent the possibility, however remote, and however little desired by the Episcopalians themselves, of any combination of the church and the state. The injustice done to the Presbyterians in New-York under Lord Cornbury, the violent pamphlet warfare carried on in Massachusetts, in 1763 and '64, and similar occurrences in most of the colonies, together with the recent civil causes of excitement, had quickened to the utmost their natural sensibility, and they were prepared to take the alarm on the first motion of the Episcopalians. To all these causes was added a new one by the rejection of the petition of the Presbyterian

* Chandler's Appeal, sect. v. See also Mr. Greenwood's History of King's Chapel.

Church of New-York for a charter of incorporation in August, 1767.

While matters were in this state, the project for establishing an episcopate in America was most unwisely revived. On the 20th February, 1767, Dr. Ewer, Lord Bishop of Llandaff,* preached before the Society for the Propagation of the Gospel, a sermon, of which the object was to recommend this scheme. The subject, sufficiently obnoxious in itself, was rendered more so by the manner in which it was treated. A single extract will give an idea of the character of this discourse. Of the early colonists, the prelate says (page 5), "Upon the adventurers themselves what reproach could be cast heavier than they deserved? who, with their native soil, abandoned their native manners and religion, and ere long were found in many parts living without remembrance or knowledge of God, without any divine worship, in dissolute wickedness, and the most brutal profligacy of manners. Instead of civilizing and converting barbarous infidels, as they undertook to do, they became themselves infidels and barbarians." Starting with these premises, the dignitary not unnaturally drew the conclusion, that the only remedy for these manifold evils was to be found in a church establishment.

Finding themselves thus supported at home, the

* This prelate, subsequently translated to the see of Bangor, died about the year 1774.

colonial clergy were not backward in urging their claims. A convention of the ministry of New-York and New-Jersey was held shortly after this, and petitions were laid by them before his majesty, the Archbishop of Canterbury, and the University of Cambridge, urging the propriety of sending bishops to America. At the request of the same body, Dr. Thomas Bradbury Chandler, Rector of the church of Elizabethtown, in New-Jersey, published in the summer of the same year "An Appeal to the Public in behalf of the Church of England in America." This pamphlet, a heavy but mild and decorous production, is a laboured argument, not only in favour of the particular scheme in question, but of the Episcopalian system generally. The reasons chiefly relied upon in favour of the former, are drawn from the want of a regular government in the colonial church, and the inconvenience attending confirmation and ordination; to obtain the latter, the young clergy being obliged to go to the mother country. The work also contains several sections going to show that the episcopate prayed for was purely religious, and could have no improper connexion with the civil power.

The dissenters were now fairly aroused, and Dr. Charles Chauncey, of Boston, first took the field (December, 1767), in "A Letter to a Friend, containing remarks upon certain passages in the Bishop of Llandaff's Sermon, &c." The inexpediency of any establishment of religion by law,

the grounds for apprehension lest the vast and oppressive system of tithes, spiritual courts, and the canon law, should accompany or follow the colonial prelates, furnished ready and popular topics of reply as well to Ewer as to Chandler. At the same time it was freely admitted by the dissenters, that no objection could be had to the introduction of bishops unattended by any temporal power or dignity. But they destroyed the effect of their admission, by maintaining that it could not be safe to trust the encroaching disposition of a church which at home had distinguished itself for intolerance and oppression.

Mr. Livingston was the next to enter the lists; in the early part of 1768, he published "A Letter to the Right Reverend father in God, John Lord Bishop of Llandaff, occasioned by some passages in his lordship's sermon on the 20th of February, 1767, in which the American colonies are loaded with great and undeserved reproach." In this pamphlet the author does not touch upon the merits of the proposed establishment, but confines himself to the refutation of the charges against the morals and cultivation of the colonies, which indeed formed the corner-stone of the argument. The task was not a difficult one, and it is executed with spirit and ability. The tone adopted towards the bishop is perhaps as respectful as the occasion warranted; it is one of sarcastic indignation and contempt—indignation aroused by an unjust and illiberal attack, and contempt awakened by the

ignorance of the assailant. The following extract may be found interesting from its connexion with political topics, and from its similarity to the celebrated speech of Barré.

"Your lordship proceeds, 'A scandalous neglect (to wit, this of not making provision for ministers), which hath brought great and deserved reproach both on the adventurers and on the government whence they went, and under whose protection and power they still remained in their new habitations.' To convince your lordship by an induction of particulars, that these colonies have of late indeed felt the *power* of the country whence they emigrated, would oblige me to protract this letter to an inexcusable length. A great part of that august assembly, the British parliament, and his majesty's ministers in particular, have exhibited recent proofs by removing some of our complaints against an undue exertion of power, that it had made us feel but *too great* a proportion of it. I am sorry, my lord, that so few of the right reverend bench concurred with them in sentiment. But with respect to the protection which the mother country hath afforded us, your lordship has no reason to triumph. Many of the colonies were not only settled without her protection, but by reason of her persecution and intolerance. The emigrants fled from her into the wilds of America, to find an asylum from those usurpations over the consciences of men which she so wantonly exer-

cised, after having forsaken houses and lands, and the most tender connexions, with every thing dear and estimable among human-kind, for the undisturbed fruition of the rights of private judgment. * * * A character this, my lord, that will, in the opinion of all impartial men, make a brighter figure in history than can possibly be acquired by haranguing on the excellence of Christianity from the downy couch of security and ease, or recommending the propagation of it among the pagans, the orator the meanwhile remaining at the salutary distance of three thousand miles from the scene of action." * * *

The letter closes thus.

"With this, my lord, I shall humbly take my leave, hoping that for the sake of truth and the cause of religion,—especially remembering how greatly your lordship has been deceived in the present case,—you will be so gracious for the future, in whatever concerns the American colonies, as to require the highest evidence of which the nature of the thing is capable. And heartily wishing, my lord, (it being easy to see for what purpose this kind of misinformations are calculated), that your lordship may be so successful, and so thoroughly satisfied in the discharge of your episcopal function within the limits of your present diocess, as never to think it your duty to exchange the see of Llandaff for an American bishopric.

"I am, my lord, &c. &c."

This pamphlet was immediately republished in London, and excited much attention; nor was the author's reputation less increased in his native country. On the 21st of June, 1768, he received from the consociated churches of the colony of Connecticut, assembled at Coventry, a vote of thanks "for vindicating the New-England churches and plantations against the injurious reflections in the Bishop of Llandaff's sermon." This compliment was parodied by one of the opposite party in some thirty or forty lines, entitled "A Reviving Cordial for a fainting Hero." They close thus—

"March on, brave Will, and rear our Babel
On language so unanswerable.
Give church and state a hearty thump,
And knock down truth with falsehoods plump;
So flat shall fall their churches' fair stones,
Felled by another *Praise God Barebones*,
Signed with consent of all the tribe,
By No—h W—s, our fasting scribe."*

Mr. Livingston's "Letter" drew forth an answer entitled "A Vindication of the Bishop of Llandaff's Sermon, &c." the part-authorship of which was ascribed to the Reverend Charles Inglis. It is not my intention, however, to give any thing more than a general outline of this discussion. All the pamphlets must be read and examined to obtain a correct idea of the colonial history of the day. The

* Mr. Livingston's friend Noah Welles was the scribe or secretary of the convention.

following letters which passed between Dr. Samuel Cooper, of Boston,* and the subject of this memoir may serve perhaps to give a more lively if not more correct impression of the private feelings of those opposed to the Episcopalian schemes. It was about this time that, when one of his daughters came to Mr. Livingston for money to buy a cloak then called a cardinal—"What," he exclaimed, with a smile, "a Presbyterian want a cardinal!"

"TO THE REV. MR. SAMUEL COOPER.

"New-York, 26th March, 1768.

"DEAR SIR,

"I am glad to hear that Dr. Chauncey has undertaken an answer to Dr. Chandler's Appeal. As the latter began already to construe our silence on the subject into an acquiescence in his project, it is high time the appeal was answered. But though your venerable brother may strip our Episcopalian champion of his triumphal trappings, I think it cannot have the same salutary effect towards defeating the scheme at home as a course of weekly papers inserted in the public prints. These are almost universally read, and from the greater latitude one may there give himself, will prove more effectual in alarming the colonies. For I take it that clamour is at present our best policy, and that if

* For some interesting notices of this eminent clergyman, see the Life of James Otis. The execution of that agreeable work adds all the lovers of American history to the long list of those who lament the death of Mr. Tudor.

the country can be animated against it, our superiors at home will not easily be induced to grant so arrogant a claim, at the expense of the public tranquillity. With this view a few of your friends here have lately begun a paper under the name of the American Whig, which they purpose to carry on till it has * * * an universal alarm. A number of gentlemen will shortly open the ball in Philadelphia. I should be glad the same measure was pursued in Boston. * * * Without some such opposition, I am apprehensive the ministry may be prevailed upon to gratify the lawn-sleeves by way of recompense for so often voting against their consciences for the court.

"As this country is good enough for me, and I have no notion of removing to Scotland, whence my ancestors were banished by this set of men, I cannot without terror reflect on a bishop's setting his foot on this continent. Pray, my dear sir, bestir yourself at this critical juncture, and help us to ward off this ecclesiastical stamp-act, which, if submitted to, will at length grind us to powder.

"I beg your acceptance of the enclosed (the letter to the Bishop of Llandaff), which I wrote out of real affection for the New-England colonies, and a sincere regard for truth. Dr. Chauncey had, 'tis true, so fully refuted the bishop's calumnies that any thing further might well have been dispensed with. But I thought he had treated that haughty prelate rather too tenderly, and that he deserved a little severer correction. * * *

"I must, dear sir, repeat my earnest solicitations that you exert yourself in this interesting cause. We are debtors to our country—debtors to posterity—but, above all, debtors to Him who will not suffer a competitor in the supremacy of the church. * * *

"I am, dear sir,

"Your most affectionate friend, and humble serv't.

"WIL. LIVINGSTON."

"TO MR. WILLIAM LIVINGSTON.

"Boston, 18th April, 1768.

"DEAR SIR,

"I intended to have wrote you largely, but Miss Bradford, the lady who is so kind as to take the charge of my packet, setting out sooner than I expected, I have only time to acknowledge the receipt of your very friendly letter and the pamphlet that accompanied it, for which I return you my warm thanks. I was highly pleased when I found you engaged in this public service, by the advertisement of your letter in the New-York paper, and have been more so in reading it. The whole is clear and animated, and the New-England colonies are much indebted to you for so handsome a vindication. I * * for the Bishop of Llandaff, and wonder the missionaries do not blush for themselves, when it so clearly appears that by their false * * and gross misrepresentations, they have so greatly abused their superiors, and led them to expose themselves to all the * *. You have treated

his lordship as I have wished to see him treated upon this occasion—not indecently, but with spirit and a manly freedom. * * *

"You are not alone in your opinion of Doctor Chauncey's performance. The Doctor, however, deserves well. His heart is engaged in the cause, and he has a clear head. * * *

"I have been much entertained with what I have read of the *American Whig*, and am glad to find our friends at New-York exerting themselves in this important controversy with so much spirit, and to so good effect: your plan and the execution of it, so far as I have seen, is well adapted to rouse and awaken; the alarm spreads, and I hope will be soon universal. There are but few of the laity of the Church of England among us who really wish to see a bishop in America, and the ministry must be infatuated to introduce a new ecclesiastical power here, at such a distance from the check of the throne; a power that the * * * authority has always found so hard to control and keep within bounds, not easily attempered to the original constitution of any of the colonies, and directly opposite to some of them; a power that must unavoidably create confusion among them, and greatly heighten the difficulties attending the administration of them already. Chandler and the Episcopal clergy are utterly mistaken in thinking the present a favourable season for opening their plan; they could not have hit upon one more unpromising to their cause; and * * * myself that

the appeal, contrary to the design of its author and friends, will have some happy influence towards establishing civil and religious liberty in the colonies. How it is with you I cannot say, but among us, I think I can already discern some such effect.

"The American Whig, could it be published in our papers, considering what Dr. Chauncey has wrote, would render such a work among ourselves altogether unnecessary. But this, though the printers are ready to do it, and many eagerly desirous of it, cannot be obtained. Mr. Parker, who I am told has the control of the post-office, has given his mandate against it, and threatened our printers that if they presume to publish any part of that paper, they shall have nothing conveyed to them by the post, without paying the postage. This appears to me a very extraordinary measure; and discovers, with a witness, what our poor America is likely more and more to feel, the *insolence of office.* This has disgusted people here, and will disappoint his design of enlarging the number of his subscribers among us. * * *

"I am, sir,
"With much affection and esteem,
"Your obedient humble servant,
"Sam'l. Cooper."

A letter written about this time to Mr. Livingston shows the extended reputation he was gradually acquiring. The writer is, I believe, the

father of the more notorious Brigadier Timothy Ruggles.

"Guilford, Mass. January 21st, 1768.

"SIR,

"I shall make no other apology for my giving you the trouble of the enclosed, than an appeal to your goodness and animated friendship to your country, which I am no stranger unto, although I am to you as to personal acquaintance.

"The enclosed are some of my employment in my winter leisure hours, which I would improve to some advantage.

"The good of my country is a thing my mind is warmly solicitous for. And as I judge the plough is the prime and principal instrument and source of all the riches and prosperity of the country, my desires are warm to let husbandry, that ancient and honourable employment, flourish.

"I have therefore presumed to use that part of freedom in friendship to send you my thoughts upon that important subject, as it is adapted to, and necessary for these climates. My desire is that if you can read them, you would be so good as to peruse them, and send me your friendly thoughts upon them with freedom and without reserve.

"If there should be any thing worth while in your judgment, you may show them to some judicious friend or two; but please to conceal my name.

"When you have perused them, I should be much obliged to you if with your thoughts you would return them to me, by the channel of Mr. Rodgers, safely; by whom they are conveyed to you. At present I shall give you no other trouble than to assure you that I am one of your sincere friends and admirers, in the greatest sincerity.

"THOMAS RUGGLES."

In the mean time the weekly essayists had commenced their labours. On the 14th March, 1768, the first number of THE AMERICAN WHIG made its appearance in the New-York Gazette, published by Parker. In the course of the same month the opponents of the American episcopate in Philadelphia opened their battery in the Pennsylvania Journal, under the title of the *Centinel.* Their adversaries were not backward to return the fire, and Number I. of "The Whip for the American Whig, by Timothy Tickle," was begun in Gaine's New-York Gazette, of the 4th April. This again called into the field an advocate of the liberal party, who headed his effusions, published in Parker's Gazette, by the discourteous title of "A Kick for the Whipper."

After the same manner was the angry controversy carried on in the Pennsylvania papers, under the various names of *Anti-Centinel*, *Anatomist*, and *Remonstrant;* Dickinson, as it is said, lending his aid to the liberal side. Jeremiah Leaming, a missionary of the British Society at Norwalk, and

Noah Welles, already often spoken of, maintained the warfare in Connecticut. The question became of great interest, and the political history of most of the colonies bear marks of the excitement on this subject.* The writer of the essays in the Boston Gazette, which had been published a short time previous, on the subject of the canon and feudal law, now well known to be Mr. Adams, again took up his pen, to denounce what he deemed so palpable an effort to introduce the spiritual code; Massachusetts instructed her agent Deberdt to withstand the scheme at home, and Wilkes, in his North Briton, exposed and reprobated the measure.

The excitement of the provinces on this subject would have left yet more vivid traces of its effects, had it not been comparatively swallowed up in the civil commotions that followed; at the same time, it is impossible rightly to understand our ante-revo-

* The following anecdote, for which I am indebted to an eye-witness, illustrates the state of feeling in New-Jersey. About the time at which we have arrived in the text, John Hart, afterwards a signer of the Declaration of Independence, ran for the Assembly, against Samuel Tucker, in 1776 President of the Provincial Congress. The former was supported by the Presbyterians, the latter by the Episcopalians, together with the Methodists and Baptists. During the two first days of the election Hart was ahead, but on the third, one Judge Brae, coming up with a strong reserve of Church-of-England-men, secured Tucker's return. A wag observed that the judge was not unlike the Witch of Endor, for it was clear he had *raised* Samuel.

lutionary history, unless we keep fully in our minds the extent to which the political and religious discussions were interwoven. The jealousy of the dissenters had its rise in the foundation of the colonial settlements. The encroaching disposition manifested by a portion of the Episcopalians grew out of the establishment of the mother country. Neither feeling was diminished until after the revolution, both parties found that they had nothing to hope or fear, from the interference of a government, wise enough to take counsel and warning from the errors of those which had preceded it.

It would be improper to go more at large into the discussion on the subject of the American episcopate, than has been already done; and with a few closing remarks, the reader's attention will be called to other topics. Mr. Livingston is recognised as the editor of the Whig in the contemporary publications, and he is understood to have been assisted by Dr. Archibald Laidlie, the first clergyman of the Dutch church who officiated in the English language, and by his former fellow-labourers, Smith and Scott. Dr. John Rodgers of the Presbyterian church also thought, if he did not act, with him in the matter.* The most prominent of his opponents were, as we have said, Chandler, Samuel Seabury, at this time rector of

* Vid. Dr. Miller's Life of Rodgers, p. 192. Dr. Miller supposes the late Dr. Mason to have been also engaged in this controversy; but as I have not met with any allusion to his name in the writings of the day, his name is omitted in the text.

the parish of Westchester, and after the revolution bishop of the diocess of Connecticut, together with the Reverend Charles Inglis. It may be worth mentioning, that some of these essays were written in Dutch, for the purpose of producing a more immediate effect upon that considerable portion of the New-York population, which then still adhered to the original language.

Nearly all these papers are strictly confined to the immediate subject of controversy. Their tone is frequently violent, or it might now be considered coarse, but they are interspersed with passages full of eloquence, and marked by a wide range of thought, interesting also as connected with those great topics with which the pages of our short but eventful history are so amply laden.

The following extract from the fifth No. of the Whig, which may, I think, be attributed to Mr. Livingston, indicates a spirit nearly akin to prophecy.

"The day dawns in which the foundation of this mighty empire is to be laid, by the establishment of a *regular American constitution.* All that has hitherto been done, seems to be little besides the collection of materials for the construction of this glorious fabric. 'Tis time to put them together. The transfer of the European part of the great family is so swift, and our growth so vast, that before seven years roll over our heads, the first stone must be laid. Peace or war, famine or plenty, poverty or affluence, in a word, no circumstance,

whether prosperous or adverse, can happen to our parent, nay, no conduct of hers, whether wise or imprudent; no possible temper on her part, will put a stop to this building. * * * What an era is this to America! and how loud the call to vigilance and activity! As we conduct, so will it fare with us and our children."

The forty-sixth and last number of the American Whig appeared on the 23d January, 1769. The violence of the controversy gradually abated; the fears of the dissenters were calmed by the evident reluctance of the English government to gratify the wishes of the Episcopalians, and all differences of sect had begun to disappear in the opposition now forming against the civil oppression of the mother country.*

It appears by a hand-bill, preserved in the City Library, of the 3d January, 1769, that about this time, on the eve of the election of members of Assembly, held in February of this year, Mr. Livingston, with other leaders of his party, addressed a letter to James De Lancey and Jacob Walton, two of their most prominent opponents, in which, after deploring the past religious dissensions, and deprecating a continuation of them, they propose a union of the two parties for the time, and the nomi-

* The principal essays on both sides of this question were republished shortly after they appeared, in two volumes, forming a very valuable collection, which throws much light upon the political, no less than the religious history of the period.

nation of a joint ticket. The wary Episcopalians rejected the offer. The election proved highly unfavourable to the Livingston party, and the De Lancey or high prerogative faction regained that ascendancy in the Assembly which they had not enjoyed for ten years. John Cruger, chosen speaker, James De Lancey, Jacob Walton, and James Jauncey, were the successful candidates. Their opponents, Philip and Peter Van Brugh Livingston, John Morine Scott and Theodorus Van Wyck, were defeated by a decisive majority. Fifteen hundred votes were polled, of which the high church party had 900. It was this Assembly which so much retarded the first steps of the revolution in New-York.*

The following extract of a letter from Dr. Rodgers to Mr. Livingston, written shortly before the death of the latter, is sufficient to show that his interest in the prosperity of his church was not confined to the labours of his pen. The loan of which the writer speaks was made in 1768.

"New-York, 3d Feb., 1789.

"Dear Sir,

"This acknowledges the receipt of your kind favour of the 22d of Dec. For my own part, I am deeply sensible of the generous aid you gave in building our new church. Your subscription (£100) towards it was truly liberal, and among the

* Vid. *The Watchman* in N. Y. Journal for 12th April, 1770.

first for the purpose, besides your assistance in other ways in carrying on the building, no less important for accomplishing the end; and the loan you now call for the payment of was not less generous than your first subscription. The tenor of those loans was for seven years free of interest, and then to bear interest till paid. Your kindness, in offering to give up half the interest due, ought to have its weight in hastening the payment of the debt, and no doubt will.

"I am, &c.

"JOHN RODGERS."

The following playful letter, written to his son, at this time at school in New-Jersey, and probably belonging to the year 1768, contains an allusion to the perpetually-recurring subject of the college controversy.

"New-York, July 15.

"DEAR BILLY,

"I just received your letter of the 14th instant, and perceive that by your studying Lucian, who treats much about ghosts, you have your head so filled with the idea of ghosts as even to dream about them. Among other ghosts that may, during the hours of sleep, present themselves to your imagination, I would have you be very complaisant (in case they should vouchsafe you a visit), to those of the first and second Brutus, of Mr. Wallace, of Algernon Sidney and John Hamden; but

if the spectre of any of the Stewart family, or of any tyrant whatsoever should obtrude itself on your fancy, offer it not so much as a pipe of tobacco; but show its royal or imperial spectrality the door, with a frank declaration that your principles will not suffer you to keep company even with the shadow of Arbitrary Power. * * *

"You are very severe on our famous New-York College. * * * The partial, bigoted, and iniquitous plan upon which it was constructed deserved the opposition of every friend of civil and religious liberty; and the clamour I raised against it, in conjunction with two or three friends, when it was first founded on its present narrow principles, it has not yet, and probably never will totally silence.

"I am

"Your most affectionate father,

"WIL. LIVINGSTON."

It is proper to state that, after the revolution, Mr. Livingston made not the smallest opposition to the introduction of bishops into the Episcopal church. He perceived that their church-government had become, under the independent and free system of the United States, a matter concerning themselves alone, in which no other set of men had any right or interest to interfere.

In the year 1770, Mr. Livingston published under the title of "*A Soliloquy*" a bitter and unsparing invective against Lieutenant-governor Colden, whose conduct on the subject of the appeals, the judges'

commissions, and the Stamp Act, had rendered him highly unpopular, and scarcely more so with the liberal party than with the mass of the people.* The precise subject which drew forth this attack I have been unable to discover; it grew apparently out of some claim upon the treasury, produced by the chief magistrate, and regarded by his satirist as ill founded. All the obnoxious acts of Colden's life are passed in review, and a sentence more rigid than posterity is disposed to confirm, pronounced upon them. This pamphlet went through a second edition shortly afterwards, and is still valuable, as showing the acrimony of party spirit at this time. Some pieces published in April of this year, in the New-York Journal, under the title of "*The Watchman*," and the signature of "*Brutus*," giving the history of the politics of the colony, in the time of De Lancy, are also ascribed, I know not with what accuracy, to Mr. Livingston's pen.†

* The original title run thus. "*A Soliloquy.*

Nulli sincera voluptas,
Soliciti aliquid lætis intervenit—

His friends eternal during interest,
His foes implacable when worth their while.

Loud croaks the raven of the law and smiles.—YOUNG."

† Vid. N. Y. Journal for 5th April, 1770,—essay signed *Americanus*. Among Mr. Livingston's MSS. there are some verses headed "*The mighty he*," and a prose piece of some length, entitled, "*An Answer to a Paper signed C. B.*" I have never seen these in print, but they refer to pamphlets relating to an individual whose soubriquet is *Molouck*, the object of Mr. Livingston's satire. What the nature, or date of the discussion was,

In the fall of the year 1770, the principal lawyers of the city of New-York formed a club, which they called The Moot, for the purpose of discussing legal questions. At their first meeting, on the 23d November, Mr. Livingston was elected President, and William Smith, Vice President. This, perhaps, affords a tolerably correct indication of the standing of these gentlemen at the bar. The meetings of this club were held every month: from the character of the members their decisions were regarded with much respect; and it has been said that they materially influenced the judgment of the Supreme Court. I find a question, connected with the taxation of costs, sent down to the Moot by the chief justice expressly for their opinion. Mr. Livingston retained his office, according to the rules of the club, until the following November, when he was succeeded by Samuel Jones.*

I cannot gather from them, and I have not succeeded in finding the printed works to which they refer, and in which, as it seems, a Mr. Campbell had some share.

* As some of the members of this club were afterwards among the most prominent men of the country, a few additional particulars may be found interesting. Their journal, for the use of a copy of which I am indebted to the kindness of P. A. Jay, Esq., begins thus.

"The establishment and rules of the club called the Moot.

"The subscribers being desirous of forming a club for social conversation, and the mutual improvement of each other, have determined to meet on the evening of the first Friday of every month, at Barden's, or such other place as a majority of the

But little now remains to be said before we take leave of this section of my narrative, in order to accompany the subject of it on another theatre, and through very different scenes. The more familiar details of this portion of Mr. Livingston's life, as they have been described to me, present a somewhat remarkable picture. The calm and even tenor of his private hours is strikingly contrasted with the turbulent character of his political and polemical exertions.

Actively engaged during the week in discharging the duties of a laborious profession, or in an

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members shall from time to time appoint, and for the better regulating the said club do agree:

"I. That the said club shall be called *The Moot.* * * *

"V. No member shall presume upon any pretence to introduce any discourse about the party politics of the province, and to persist in such discourse after being desired by the president to drop it, on pain of expulsion."

This constitution is signed by

Benjamin Kissam,	John Jay,
David Mathews,	William Smith,
William Wickham,	John Morine Scott,
Thomas Smith,	James Duane,
Whitehead Hicks,	John T. Kempe,
Rudolphus Ritzema,	Robert R. Livingston, jr.
William Livingston,	Egbert Benson,
Richard Morris,	Peter Van Schaack,
Samuel Jones,	Stephen De Lancey.

On the 4th of March, 1774, John Watts, jr., and Gouverneur Morris were admitted to the society. The meetings do not appear to have been regularly held, and the members of the Moot came together for the last time on the 6th January, 1775.

angry warfare in defence of his civil and religious rights, three times on every Sabbath, surrounded by his numerous family, he went up to that church formerly contemned and oppressed, but for which his exertions had procured respect; of which he was one of the brightest ornaments and chief supports. These were not, it is true, the first fruits of his heart and his intellect, laid upon the shrines of country and religion. They were not the offspring of enthusiasm, or the offering of youth. They were the better gifts of a matured mind and an established character. His daily labours found their close and solace in the evening, passed in the society of his friends, and in the amusement or instruction of his children. Fond of the social circle, and the delight of that in which he moved, his cheerful humour and lively wit gave an equal zest to "Mother Brock's" club-room,* and to more mixed festivities. If there be blemishes in this portrait such as those to which I have already alluded, is it unreasonable, while they are not concealed, to throw them into the background?

In his private life we can discern some of the same traits which mark Mr. Livingston's public character. He always showed a dislike to the society of the English officers, of whom there was generally a considerable number in New-York. This

* A club of gentlemen were accustomed to meet at a house at the corner of Wall and New streets, kept by a Mrs. Brock, more familiarly designated as in the text, whose husband, Walter Brock, had no share of its honours.

was the more surprising, at least in the eyes of the city belles, as these sons of Mars formed by far the most brilliant ornaments of their fêtes, and quite threw the *mohairs*, as the native gallants were invidiously termed, into the shade. He rarely admitted the former to the hospitalities of his house, and preferred to select his society from his own townspeople.*

It should be mentioned that so late as the year 1760, Mr. Livingston was engaged in privateering adventures. This is one of those inconsistencies which the advance of civilization has done away. Few persons now pretending to religious principle would think themselves justified in lending any countenance to a practice which so much enhances the horrors of war, and which this country enjoys the honour of having attempted to put down.

* The only instance during his life in which Mr. Livingston is said to have been guilty of the slightest excesses of the table, although at that time a tolerably frequent repetition of them was not inconsistent with a fair character for sobriety, was at a dinner given at the Fort (the government-house), by Lord Dunmore. His lordship, who was something of a wine-bibber himself (and it is a pretty specimen of the manners of the day), laid a scheme to entrap the discreet and staid burghers. By dint of goblets double the ordinary size, repeated bumpers, and various other tricks familiar to noble butlers, his design was effected; not a few of the whig champions, and Mr. Livingston among the number, saw that night, in heaven and earth, more things than their philosophy had ever till then dreamed of.

CHAPTER V.

Mr. Livingston removes to Elizabethtown, New-Jersey, in 1772—Controversy relating to the Treasurer—He is sent to Congress in 1774—His Share in the Proceedings of that Body.

Mr. Livingston appears, from an early period, to have entertained the intention of retiring from his profession to a country life. As early as 1760 he made purchase of a piece of land, containing about eighty acres, in Elizabethtown, in the county of Essex, in the then province of New-Jersey. This, by subsequent additions, he increased to a hundred and twenty acres, and occupied his leisure in setting out upon it various species of fruit trees, which like almost every article of colonial use, were imported from England.* During the two or

* These trees were principally imported in 1767, '8, and '9. On looking over his orders I am surprised to see how few of the names are the same with those now in use. Of 65 pears, the Beurrées, the Ambrée, St. Germain, Bergamot, and Vergaloo are alone to be recognised. Of plums, the proportion is somewhat greater, but a decided majority even of these is now so obsolete, that I question whether even the Linnæus of Flushing, or of Liberty-street, would be able to recognise them. It is pleasing, however, to notice, that perhaps the very best fruit which our adjacent country boasts at the present day has a venerable pedigree. In 1767 I find Mr. Livingston sending out two barrels of Newtown pippins to a friend in England.

three last years of his residence in New-York, he seems to have gradually contracted his professional business, and to the country in May, 1772, he finally removed. He remained in the village of Elizabethtown during the erection of a new house upon his estate, until the fall of 1773; subsequent to which, for the remainder of his life, this country seat was at least his nominal home.* His family urged him to bestow upon his new place some distinguishing name, according to a fashion introduced from the mother country; but averse to every thing of the kind, he refused to give it any other appellation than "Liberty Hall," and by this title it was often known to his more intimate friends.

When Mr. Livingston left New-York for New-Jersey he had passed the prime of life, but he possessed still an unbending spirit and an unbroken constitution.

> Dum nova canities, dum prima et recta senectus
> ——— Nullo dextram subeunte bacillo,

he retired from active life to spend his declining years in retirement, after having made sacrifices

* This building is still standing; it is situated about a mile to the north of the village of Elizabethtown, on the east of the Morristown road. It is at present in the possession of Mrs. Niemcewicz, a relative, though not a descendant of Gov. Livingston, and the place bears the appellation of Ursino, in compliment to a distinguished individual of a most distinguished and most unfortunate people.

to the public as great as virtue could demand; having established a high and dignified reputation, not less of character than of talent, and purchased, by the laborious and praiseworthy exertions of thirty years, the right to tranquil indulgence of that pure and simple kind most congenial to his tastes.

It is said that one of Mr. Livingston's principal inducements to select Elizabethtown as the spot of his future residence was the circumstance that William Peartree Smith, and another of his friends and fellows of Yale, resided there. If this be so, it is a strong proof of the tenacity of his friendships.

About the time that Mr. Livingston established himself in New-Jersey, a young and unfriended boy arrived in the country from the West Indies, bringing letters, as I have been told, to him from Hugh Knox.* The lad was put to the school of Francis Barber, of Elizabethtown. Both master and pupil not long afterwards entered the American army. Of the former I believe little more is, or need be known. The scholar was Alexander Hamilton.

The only positive information as to the causes of Mr. Livingston's departure from New-York, is to be derived from the following touching memorandum, the original of which is written on the back of a schedule of his property, evidently

* This person, a Presbyterian minister in North America, in 1754, was afterwards settled in the island of St. Croix. Vid. Dr. Miller's Life of Rodgers.

drawn up some time later. "The sum at the foot of this I was worth when I removed from New-York to New-Jersey, besides leaving upwards of £2000 behind me, due to me for costs in the province of New-York (besides the lands left me by my father); and as I was always fond of a country life, and thought that at that time I could with justice to my dear children go into the country, where the interest of that sum would more than maintain me, I accordingly went with the intention to lay up the surplus for their use; but so it has fortuned, by the breaking of some of my debtors, and by others paying me in continental depreciated money, that I have not been able to answer that agreeable object; and for those unforeseen occurrences, I hope my children will not blame me, having not spent my fortune by extravagant living, but have * * by inevitable accidents."

The property comprised in this statement is £8512, which, in the currency of New-York, amounts to a little more than twenty-one thousand dollars.* This circumstance alone would be sufficient to show the depreciation of the value of the circulating medium, and the increase of comforts and luxuries since that day.

The following extract from a letter† written by

* As the schedule contains only a list of bonds given to Mr. Livingston before he left New-York, their value must be calculated according to the currency of that province.

† Dated 7th March, 1774, but without address.

Mr. Livingston, would almost lead us to believe that he retired from public life in despair of the attainment of that civil and religious freedom for which he had so long contended. The feeling, if it was entertained, cannot be justified; but such distrust might at that time have found more excuse in the situation of New-York than in some of the other colonies.* "From this sequestered corner of the globe," he says, "you will not I presume, look for news. Our Assembly, according to their humble abilities, and their lack of equal opportunities, with the most heroic emulation, make proportionable blunders with yours. They have however, at least one man of sense and public virtue among them, and of his sense and public virtue the world has had the same proof which of such characters it will never fail to have; that he is perpetually traduced and misrepresented in the weekly papers. Ask Captain M'Dougall,† how far a man ought to sacrifice his fortune and character in serving a country that will not be served,

* At a patriotic dinner given in Pennsylvania, in April, 1770, to celebrate the repeal of the stamp-act, one of the toasts was, "The Colonial Assemblies, except that of New-York." (Vid. Gaz.)

† Alexander M'Dougall, afterwards major-general, almost as well known by his adopted title of a "son of liberty," imprisoned, in 1770, by the New-York Assembly for a vehement invective against their pusillanimous and time-serving course—one of the most daring of the New-York patriots, before the revolution, and an active and brave officer during the war. His papers are in this city, and must contain valuable materials for history—why is no use made of them?

and in opposing a majority which, notwithstanding such opposition, will be triumphant, or whether there be any future crown for political, as there is for religious martyrdom."

The dispersion of Mr. Livingston's correspondence renders it difficult to determine what were his pursuits during the two years and a half which elapsed between his removal to New-Jersey and the assembling of the first Congress. In one or two instances he appears to have resumed the practice of his profession (he had been admitted to practise in the courts of New-Jersey as early as 1755); more, however, it seems, to oblige a friend than as an avocation.

It is probable that he was mostly occupied with putting in order his new buildings and grounds, while at the same time it is reasonable to suppose that he was intensely, it may be actively, interested in the stirring contests which agitated the neighbouring provinces; and that from his retired position, as from a *watch tower*, he looked out with an attentive eye upon the storm which was slowly approaching.

Before Mr. Livingston removed to New-Jersey, a controversy had arisen there, which will be here noticed at some length, as he was in a measure connected with it, and as it was almost the only difficulty that existed between the people of that colony and the royal government prior to the revolution.

In conformity with the original division of the

province into Eastern and Western New-Jersey, which was not finally obliterated until it became a state, a treasurer was, before the revolution, appointed for each district; and from the crude state of the commercial arrangements of that day, these officers were compelled to keep under their personal care large sums, both of specie and of the paper bills of credit. The public money chest of Stephen Skinner, treasurer of the eastern division, was broken open at his residence in Perth Amboy, on the 22d July, 1768, and rifled of between six and seven thousand pounds of paper and coin.*

In October, 1770, the matter was brought before the Assembly, who, after a laborious investigation of evidence, resolved that the robbery was owing to the negligence of the eastern treasurer, and that he was bound to account for the sum missing. After a delay of two years, the House, in September, 1772, sent a communication to the governor (William Franklin, the son of Dr. Franklin), who had the appointment of these officers, remonstrating with him for taking no measures to settle the affair.

The governor took fire at the complaint, and replied in a captious tone, that nothing was as yet proved against Skinner, and that the nature of the desired remedy had not been specified. To this

* The treasury of New-Jersey was particularly unfortunate. A similar accident happened in December, 1776, when Samuel Tucker was in this department. Vid. Min. N. J. Assem. 17th February, 1777.

the House promptly replied, demanding the dismissal of Skinner, as convicted by the evidence laid before them of neglect of duty. Franklin answered, that he should not remove the treasurer until after the termination of the action at law, or of whatever other course the House might take to determine his liability. Upon this refusal, which was couched in language little calculated to render it more palatable, the Assembly resolved to take no further steps in the matter, leaving the responsibility of the loss to the public upon the shoulders of the governor; and to another message from him, repeating the grounds of his decision, and alleging that the Council were unanimously of his opinion, the House returned for answer a request to be prorogued, which accordingly in the latter part of the same month (September) was granted.

The Assembly did not come together again till in November, 1773, and during the recess suspicion of the robbery had fallen upon one Samuel Ford. In a long and studied message, the governor laid before the house all the testimony tending to inculpate Ford, and very strenuously insisted that his guilt was conclusively proved. Here, however, he was equally unsuccessful in commanding the concurrence of the Assembly; and indeed it seems immaterial who the actual robber was, provided the loss was owing to the negligence of the treasurer, unless we are to infer from the pertinacity of the House,—what is no-

where asserted or even insinuated,—that he was an accomplice in the transaction.

The House, apparently resolved not to lose sight of him whom they considered the original culprit, denied that the testimony proved the guilt of Ford; and reverting to the original question, once more demanded the dismissal of the treasurer. It is to this stage of the controversy that the following pasquinade of Mr. Livingston refers, which I am the more tempted to insert as it has never appeared in print.

"*Governor.* Gentlemen, the treasury has been robbed.

"*Assembly.* Many people, sir, are of that opinion.

"*G.* But Sam Ford has robbed it.

"*A.* That is more than we know.

"*G.* But I have laid before you the proofs and papers.

"*A.* The papers, sir, we have received, but the proofs we can't find.

"*G.* They contain striking circumstances.

"*A.* They don't strike us.

* * * * * *

"*G.* But Sam Ford is a villain.

"*A.* So he is.

"*G.* Then he has robbed the treasury.

"*A.* Negatur consequentia.

* * * * * *

"*G.* One of the witnesses has sworn that he saw him, through a key-hole, cut the bills from the sheets on which they were printed.

"*A.* The bills in the treasury were not in sheets.

"*G.* That's an unlucky circumstance; but he is a villain, and therefore the worst must be supposed against him.

"*A.* The witnesses against him are villains, and therefore to be supposed to testify falsely.

* * * * * *

"*G.* Then you won't believe that he has robbed it?

"*A.* We don't care who has robbed it.

"*G.* What then do you want?

"*A.* The money.

"*G.* From whom do you want it?—from Sam Ford?

"*A.* From the man with whom we intrusted it.

"*G.* Then demand it of him.

"*A.* We don't know how to set about it, unless you turn him out."

The governor still refused to accede to the demands of the House, maintaining, as it would seem, for the purposes of delay, that the proper course of proceeding against the treasurer was by information, and not by suit at law, as was proposed. To this the House were altogether adverse, on the ground, as they allege in their answer of the 19th February, 1774, that this form of prosecution would not allow of so impartial a scrutiny. It should be noticed that the office of attorney-general was at this time held by Cortland Skinner, brother of the treasurer.

A case had been in the mean time drawn up by the agents of the House, proposing three inquiries connected with this question.

First. Whether the bond given by Skinner, for the correct performance of the duties of his office, was a valid and legal instrument?

Second. Whether it could be put in suit in the present case? and

Third. If the inhabitants of New-Jersey were sufficiently free from the imputation of interest, to be jurors in an action against the treasurer?

On each of these three points Mr. Livingston, in June 1773, delivered his opinion in the affirmative. Fortified by this, and as it appears by other similar opinions, the House persevered in their resolution: and at length in February, 1774, when wearied out by the procrastination of Franklin, they had resolved on a petition to the king, Skinner suddenly resigned his office. Upon this, as if to insult the Assembly, he was immediately called to the Council. During the whole of this discussion, the conduct of Governor Franklin is that of a petulant, arrogant, and unwise man, utterly destitute of the prudence and self-possession which distinguished his father, and altogether unfit for the government of a people on the alert with regard to every question touching their rights. In a matter like this, it would seem that if there existed a genuine desire on both sides to arrive at the conclusion dictated by truth and justice, there could be no serious difference as to the means.

Upon the resignation of the treasurer, an act was immediately passed for the purpose of obviating all difficulties, enabling John Smyth, the new treasurer, to bring an action against Skinner for the amount of which he had been robbed. The action was still pending in January, 1775, and below that period, I can find no notice of it. It is improbable that any legal termination was ever put to it. The revolution broke out; the family of the Skinners in a body joined the English—inter arma silent leges—and such it seems was the termination of a controversy which, involving no principle, and apparently of trifling consequence, is still deserving of notice, as having had a material tendency to alienate the minds of the people of New-Jersey from the royal government, and to prepare them for acting in concert with the sister provinces.

We have now reached the lowering spring of 1774, when the inherited affection of the colonists for the mother country was fast giving place to distrust and resentment, and when the angry hum of menace began to echo from either shore. But the domestic circle performs its accustomed revolutions, and the daily offices and exchanges of society, the marrying and the giving in marriage, take place in spite of the convulsions of the political world. In April of this year, the fourth daughter of Mr. Livingston, Sarah Van Brugh, was married at Elizabethtown, to John Jay, at this time only known as a prominent member of the New-York bar, but destined not long afterwards to connect his name

inseparably with the history of that half century, which is perhaps the most eventful that the world has known. Resembling each other in more than one particular, in their inflexible integrity, in their superiority to all the low devices of ambition, and in their marked religious character, the most cordial friendship subsisted between Mr. Livingston and his eminent son-in-law till the death of the former.

If Mr. Livingston retired to New-Jersey with the intention of withdrawing himself from public life, the error—for erroneous that philosophy, or that practice must ever be considered which detaches our sympathy from the pursuits, the welfare, the misfortunes, and all the varied interests of our fellows—the error was happily corrected by the course of events. The waves of opinion rolled back from their first unsuccessful dashing against the bulwarks of power, only to return in their collected might; and gradually embracing in their universal surge the intellect, the accomplishment, and the virtue of the colonies, their course was for a moment stayed, as if to exhibit their full strength, and to demonstrate the futility of resistance. It was at this moment, when those who had most deprecated the approaching crisis felt it could no longer be avoided, that Mr. Livingston, abandoning the long promised repose which he had just begun to enjoy, throwing off the sluggishness of advancing years, once more set his hand to the plough, and without casting a look behind, entered upon that which was to prove the most

arduous and the most honourable portion of his public services.

Upon the arrival of the news of the passage of the Boston port act,* New-Jersey was not backward in expressing her concurrence in the views with which the leading colonies regarded this obnoxious measure. A meeting of the inhabitants of the county of Essex was held at Newark, on the 11th of June; at which a committee, consisting of Crane, Riggs, Livingston, Peartree Smith, De Hart, Chetwood, Ogden, and Boudinot, was chosen to serve as a committee of correspondence, and to meet the committees of the other counties for the purpose of choosing delegates to the Continental Congress. The Assembly had already, on the 8th of February previous, appointed nine of its own members to obtain intelligence, and to correspond with the sister colonies.†

Proceedings similar to those in the county of Essex took place throughout the colony, and on the 23d of July, these committees, representing every county in New-Jersey, and comprising a majority of the members of the Assembly,‡ met at New-Brunswick, and elected James Kinsey, Livingston, John De Hart, Stephen Crane, the chairman of the meeting, and Richard Smith,

* 10th May, 1774.

† Vid. Rivington's N. Y. Gazette for 16th June, 1774, and Journals Assem. of N. J.

‡ For this fact, important as showing the temper of the province, vid. Journal of House, 24th January, 1775.

deputies to represent the colony in Congress. At the opening of that body, at Philadelphia, on the 5th of September, they were all present. It is a curious fact, as showing how thoroughly the chaff was winnowed from the grain in the struggle which ensued, that of all these delegates, Livingston and Crane alone remained staunch to the cause they had espoused. De Hart retired from Congress before the Declaration of Independence, refused the office of Judge of the Supreme Court under the state government, and was suspected of coolness to the American cause.* Kinsey left Congress in November 1775, refused to take the republican oath of allegiance,† and Smith was ex-

* My information as to this suspicion is traditionary, but the facts stated in the text seem to support it. I have, however, no wish to add to the reputation of Mr. Livingston, by deducting from that of his contemporaries.

† Journal of Congress, 2d December 1775. Kinsey was highly esteemed, notwithstanding the course he took at this time. "He is a very good man," says Governor Livingston in a letter to Samuel Allison, of the 25th July, 1778, "though not the best hand upon deck in a storm;" and to Kinsey himself, he writes under date of the 6th October, of the same year,—"As I find myself engaged in writing to my old friend, I cannot help embracing this opportunity to express my concern at your standing so much in your own light as to forego your practice rather than submit to a test, which all governments ever have, and ever will impose upon those who live within the bounds of their authority. * * * Your voluntary consent to take the test prescribed by law would soon restore you to the good opinion of your country (everybody allowing you, notwithstanding your unaccountable political obliquities, to be an honest

pelled the Assembly in May, 1777. The two following letters, written about this time, and connected with this subject, may be found acceptable. I am indebted for them to the courtesy of the Historical Society of Massachusetts.

"TO THE COMMITTEE OF CORRESPONDENCE FOR THE TOWN OF BOSTON.

"Elizabethtown (New-Jersey), 28th July, 1774.

"GENTLEMEN,

"The arbitrary and cruel oppression under which your metropolis now labours, from the suspension of commerce, must inevitably reduce multitudes to inexpressible difficulties and distress: suffering in a glorious and common cause, sympathy and resentment, with peculiar energy, fill the breasts of your anxious countrymen. As the King of kings and the Ruler of princes seems, in a remarkable manner, to be inspiring these colonies with a spirit of union, to confound the counsels of your unrighteous oppressors, and with a spirit of humanity and benevolence towards an innocent and oppressed people; so we trust, he will also inspire your town with patience, resignation, and fortitude, until this great calamity shall be overpast.

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man), and your way to the magistracy would doubtless be easy and unencumbered." Some years subsequently, Kinsey was made chief justice: he died, I believe, in 1801. Stephen Crane was illiterate, but a member of the Legislature for a long time both before and after the revolution, and at one time speaker of the colonial Assembly.

"We have the pleasure to acquaint you that on the 21st instant, at the city of New-Brunswick, the province of New-Jersey, with singular unanimity, —seventy-two delegates from the several counties, and a majority of the House of Representatives, present and approving,—entered into similar resolutions with the other colonies; elected five deputies for the proposed Congress, and the county committees then agreed to promote collections in their respective counties for the relief of such of the unhappy inhabitants of the town of Boston as may be now reduced to extremity and want. To accomplish this purpose with the more acceptation to yourselves, we, the committee of correspondence for the eastern division, request that by the return of the post, you would be pleased to advise us in what way we can best answer your present necessities — whether cash remitted, or what articles of provision, or other necessaries we can furnish from hence, would be most agreeable; and which we hope we shall be able to forward to Boston very soon after your advice shall be received. We doubt not, gentlemen are devising every possible method for the employment of those who, by their deplorable situation, are cut off from all former means of subsistence.

"We are, gentlemen,

"Your very humble servants.

"*By order*,

"WILLIAM P. SMITH,

"Chairman."

"TO MR. WILLIAM P. SMITH, NEW-JERSEY.

"Boston, August 22d, 1774.

"SIR,

"The committee of correspondence for this town have handed to the committee of donations a letter from you of 28th ult., which breathes such a spirit of union and hearty concern for the rights of America, as must enkindle in every breast the highest opinion of the virtue and firmness of the inhabitants of New-Jersey. With hearts deeply impressed with gratitude, we note your kind intentions to contribute for the relief of the inhabitants of this town suffering by means of the Boston port bill, and desire to know '*in what way you can best answer our present necessities, whether cash remitted or articles of provision.*' For answer, if cash should be equally agreeable to our friends, it would be very acceptable at this time; but would leave that matter entirely to your convenience. The Christian sympathy and generosity of our friends through the continent cannot fail to inspire the inhabitants of this town with patience, resignation, and firmness, while we trust in the Supreme Ruler of the universe, that He will graciously hear our cries, and in His time free us from our present bondage, and make us rejoice in His great salvation. Please to present our grateful acknowledgment to our friends of New-Jersey, and be assured we are, with the greatest esteem,

"Sir, your friends and fellow countrymen.

"NATH'L. APPLETON, *pr. order.*"

Of the delegates to the first Congress, so far as can now be learned, there is every reason to believe that far the greater number went with a sincere wish to adjust the differences between the provinces and the mother country, and had no desire to emancipate themselves from her control. The proceedings of that body, indeed, sufficiently prove this; but it would seem that there were also, even then, some who entertained ulterior views, and who neither expected, nor perhaps desired the contest to be settled on any other condition than our absolute independence. Mr. Livingston coincided in sentiment very decidedly with the majority, and the following extract of a letter from him to Henry Laurens, dated 5th February, 1778, is valuable, not merely as showing his own opinion, based upon his inflexible integrity, but as proving at how early a period the design of throwing off the allegiance of Great Britain made its way into the councils of the colonies. However such an intention may be regarded through the medium of an unbiased and rigid morality, subsequent events have rendered it impossible to judge the actors harshly; and by Americans at least, those who were earliest in conceiving and planning our independence will ever be looked upon as the wisest and boldest statesmen of the revolution.

"I had not, sir," says Livingston, "been in Congress a fortnight before I discovered that parties were forming, and that some members had come to that assembly with views altogether different

from what America professed to have, and what, bating a designing junto, she really had. Of these men, her independency upon Great Britain at all events was the most favourite project. By these the pulse of the rest was felt on every favourable occasion, and often upon no occasion at all; and by these men measures were concerted to produce what we all professed to deprecate; nay, at the very time that we universally invoked the Majesty of Heaven to witness the purity [of our hearts, I had reason to believe that the hearts of many of us gave our invocation the lie. * * * I cannot entertain the most favourable opinion of a man's veracity, who intended to do it (declare independence) when he swore he did not, and when he represented a people who were actually pursuing measures to prevent the necessity of doing it.

* * * * *

"I well remember that a certain gentlemen used to edify us in Congress with letters from his brother, who, I predicted from those very letters, was then setting up for ambassador, before we were an independent state; for such I know that he and his friends, and his brother, were determined we should be, and therefore he had a fair opportunity of taking time by the forelock."

In reference to this last clause, it should be stated that Mr. Livingston, without any intimacy, or indeed familiar acquaintance that can now be traced, with any one of the early diplomatic agents of the country, adopted opinions unfavourable to

Arthur Lee in his controversy with Deane, and leaned to the side of the latter. The sentiments of a private individual, especially of one whose position allowed him no share in the angry debates on this subject, cannot be expected to have any controlling weight. A mind naturally deliberative, and averse to extremes, might easily misconstrue the eager, ambitious, and impetuous temperament of the Virginia statesman. Expressing no opinion on a subject I do not pretend to have examined, the sentiments of Mr. Livingston are given as he pronounced them. Others must decide on their value or correctness.*

The principal papers drawn up by this body, the labors of which were confined to petition and remonstrance, are the Address of the Colonies to the People of Great Britain; the Address to the Inhabitants of Quebec; and the Petition to the King. Mr. Livingston was a member of the committee appointed to draught the address to the People of Great Britain, but the honorable task was executed by Mr. Jay. Owing, however, to some misunderstanding on the part of Harrison, and to the fact that the draught was reported by Mr. Livingston, it was for some time ascribed to his pen.†

The only share of the labours of this Congress

* It appears by the correspondence in Mr. Lee's life of his grandfather, R. H. Lee (vol. 2), that Mr. Laurens took the other side of the question.

† Wirt's Henry, Ed. 1831, p. 127. Jefferson's Mem. i. p. 8.

which can now be traced to him, except acting on the committee appointed to state the rights of the colonies, is the signing the Non-Consumption, Non-Importation, and Non-Exportation Association, on the 24th of October. The record of this body is singularly meagre. Some of the most prominent men of the country would seem, if we rely upon its testimony, to have had the least share in its transactions. In the early stages of the revolution, precedence was by common consent assigned to Massachusetts and Virginia, but the enviable honour of the authorship of the documents of the first Congress is monopolized by Jay, Richard Henry Lee, and Dickinson.

It is a striking fact, as showing how strictly Mr. Livingston adhered to the agreement above spoken of, entered into by the members, for the purpose of fostering colonial manufactures, that in a letter to his relative, the Rev. Dr. John Livingston, of the 22d August, 1782, he says, "In full expectation of an honourable peace, and in proof of my Christian spirit of forgiving injuries, I have ventured to write this letter on paper stamped with his majesty's crown and initials, which is the first time that I have used so unorthodox a fabric since this article has been manufactured among us." There are also still preserved a quantity of buttons, which he procured to be made for his own use from clam-shells. This was an encouragement and protection of domestic manufactures which, called for by a state of incipient

hostility, demanded by the unanimous voice of the continent, involving no constitutional question, creating no sectional jealousy, no bickering and no heart-burning, might indeed be safely pronounced legitimate.

Here too may be introduced an anecdote, characteristic of the time and the individual, but which, perhaps, belongs to a somewhat earlier period, the use of tea having been abjured by the patriots as early as 1773. The female and younger members of Mr. Livingston's family were accustomed, when quite alone and secure from observation, to drink what they called "strawberry tea," wishing no doubt to convey the idea that it was a decoction of the native plant. I have heard described in strong terms their fear, lest Mr. Livingston should discover that his house harbored the genuine Chinese herb. They well knew that he would not sell his birthright for a cup of tea.

On the 26th of October, the Congress dissolved itself, after taking precautions to ensure the assembling of a similar body in the ensuing year. The members sought their homes, to diffuse among their constituents that wise and fearless spirit by which they were animated, and to disseminate the growing feelings of mutual respect and affection, together with that sense of the absolute necessity of union, which has so grown with the growth, and strengthened with the strength of our liberty, that we can now scarcely conceive of the one without the other.

CHAPTER VI.

Mr. Livingston is returned to the second Congress in 1775—His Opinions on the Subject of the Declaration of Independence—Is recalled from Congress in June, 1776—Takes command of the Militia at Elizabethtown as Brigadier-general—Letter from Joseph Reed—Battle of Bushwick.

The necessity of a second Congress became every day more and more apparent. Within a week after the dissolution of the first (3d November), Connecticut appointed delegates to represent that colony in the body to be convened the following May, and New-Jersey was the fourth province to follow her example. The members of this second national assembly were in most instances chosen in a different manner from that in which the first had been; and the difference shows the constantly rising tone of public opinion. In 1774, the representatives were elected by deputies from towns and committees of correspondence, five states only, Massachusetts, Rhode-Island, Connecticut, Pennsylvania and South Carolina, choosing them in Assembly. In 1775, with the exception of Maryland, New-Hampshire, Virginia, and New-York, where they were chosen either by deputies from towns or counties, all the dele-

gates were sent in a more authoritative form by the Assembly, or provincial congress of their respective colonies.

On the 24th of January, 1775, the Assembly of New-Jersey, convened at Perth Amboy, unanimously re-elected Kinsey, Crane, Livingston, De Hart, and Smith, delegates to represent the colony in the second Congress. At the opening of that body (11th May), they were all present. This Congress continued its sessions, with a short recess in the month of August, throughout the remainder of this year, and I have only to state as briefly as possible, Mr. Livingston's share in its labours, so far as can be collected from its journal.

All the information on the subject is to be gathered from the appointment of committees, for the traditional information as to the part, if any, taken by him, in the papers drawn up by this body, is so slight and contradictory as not to command attention.

On the 3d of June we find him placed with Deane, Samuel Adams, and John Adams, on a committee to prepare an address to the people of Ireland, which was reported on the 21st of July, and accepted on the 28th.* On the 23d of the same month he was associated with J. Rutledge, Franklin, Jay, and Johnson, to draw up a declaration, to be published by General Washington upon

* This document was attributed by Gov. Livingston's son, to his father's pen.

his arrival at the camp before Boston. This was adopted on the 6th of July.

On the 13th of November, we find him placed on a committee, with R. H. Lee and Wilson, to answer "sundry illegal ministerial proclamations" —on the 17th with John Adams, Franklin, Wythe, and others, to take into consideration the subject of naval prizes. On the 8th December, he was appointed to serve on the standing committee to examine the claims of applicants for office in the army, and we again find him, on the 28th of the same month, placed on a committee with Lynch, Deane, Wythe, and Jay, to take into consideration the state of New-York and to report thereon.

Mr. Livingston during this year was elected to serve upon eleven committees, and the duties assigned to him will be found to have been arduous, and worthy of his previous reputation. It will be remembered that it was at this time the policy to place the more prominent colonies, particularly Virginia and Massachusetts, in the front rank of the national opposition; Adams, Lee, and Jay, in addition to their intrinsic merits, derived an adventitious importance from the size, population, and wealth of the provinces they represented.

Congress continued its session without intermission into the year 1776, the representation of the different colonies changing as often as was rendered necessary by the gradual advance of public opinion. Mr. Livingston appears to have been in constant attendance at Philadelphia, and on the

14th February, the provincial congress of New-Jersey elected him for the third time, in conjunction with De Hart, Smith, John Cooper, and Jonathan Dickinson Sergeant to represent that province.

On the 20th February, we find Livingston made a standing member of the common committee, and on the 4th March he was placed with Wilson, J. Adams, L. Morris, and Tilghman, on a committee to whom was referred a memorial from the merchants of Montreal. On the 13th of the same month he moved for leave to introduce a resolution appointing a fast, which was brought in by him on the 16th. This document is interesting as showing the temper both of the body, and of the mover at this time.

It begins with a brief statement of the great distress, rendering a public acknowledgment of devotion to God peculiarly appropriate, "that we may humbly implore His assistance to frustrate the cruel purposes of our enemies, and by inclining their hearts to justice and benevolence, prevent the further effusion of kindred blood. But if," proceeds the writer, "continuing deaf to the voice of reason and humanity, and inflexibly bent on desolation and war, they constrain us to repel their hostile invasions by open resistance, may it please the Lord of Hosts, the God of armies, to animate our officers and soldiers with invincible fortitude, to guard and protect them in the day of battle, and to crown the continental arms, by sea and land, with victory and success." Here we find no longer

the language of supplication and devotion to the crown, of ardent affection for the English, with which the earlier documents of the revolution are filled. The tone is that of a people upon the verge of rebellion—only deferred by their accustomed moderation, their abhorrence of bloodshed, and by the yet lingering prejudices of a century of colonial existence.

On the 14th and 16th May, we find Livingston elected chairman of two committees, each consisting of himself, together with Jefferson, and J. Adams, to which were referred various letters. On the 21st of the same month, he was appointed with Adams, Jefferson, R. H. Lee, and Sherman, to prepare an address to the foreign mercenaries coming to invade America.

On the 5th June, he was placed upon a committee to consider of the ways and means to establish expresses between the several continental posts; and on the same day, in obedience to the command of the provincial convention of his colony, he left Philadelphia, to take upon himself as brigadier-general, which rank he had received as early as the previous December,* the command of the New-

* As I find by the endorsement of a letter from him among Lord Stirling's correspondence, in the N. Y. Hist. Soc. Library. I cannot, however, discover the exact date of this military appointment, or from what body he received it. The last meeting of the colonial Assembly of New-Jersey was in December, 1775. A provincial Congress sat in the preceding October, but I have seen no journal of its proceedings. This was succeeded by a

Jersey militia. The province was at this time threatened with the arrival of the British troops from Boston, under Sir William Howe, who anchored off Staten Island on the 28th of the same month.

The career of Mr. Livingston as a member of Congress, and his immediate connexion with the national councils, here closes; and it is difficult to add any thing to that portion of the narrative we now leave. The members of the Federal Assembly with whom he was most intimate, so far as can now be learned from his correspondence, would appear to have been Jay, R. R. Livingston, James Duane, Harrison, Hooper of North Carolina, and Chase, and when to these names are added those of Hancock and Jefferson, it is not difficult to conjecture what was the general tone of his political sentiments. This is, however, to be taken with some deductions.

Virginia and Massachusetts divide the honour of originating that resistance which terminated in

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committee of safety, which gave way in January, 1776, to the next meeting of the Congress, which lasted till March. A copy of the journal of this session is preserved in the State library at Trenton, and it is to be regretted that the Legislature, when it very laudably republished, in 1831, the record of the Congress held in July and August, 1776, did not prefix that of the preceding session, which is now very rare. The first letter addressed to Livingston as brigadier-general, at Elizabethtown, is of the 5th June. As his name occurs on the journal of Congress the same day, there is probably an error in one of these dates.

the creation of the republic; the other provinces less immediately interested in the contest were gradually brought by the vigour and perseverance of the statesmen of these two colonies to embrace the alliance, and finally to acquiesce in the Declaration of Independence. "Without an American independent supreme government," says the intrepid Hawley, "we shall always be but a rope of sand—you cannot declare independence too soon." "Some timid minds," says Gerry, "are terrified at the word independence."* These sentiments found a ready echo from the southern bank of the Potomac; but the middle colonies looked upon the question with very different eyes. They had themselves suffered little, if at all, from the English government. Under it they had prospered and multiplied. It required of this part of the people great intrepidity, wisdom, and generosity to join their cause with that of men already stigmatized as rebels; nor did they bring themselves to this result until the last moment. By them, independence, instead of being considered as a real blessing, was looked upon but as a choice of evils. While they detested the oppression of Britain, they dreaded her power, and at the same time that they relied with the utmost confidence upon the justice of their own cause, they doubted their ability to support it. These doubts weighed upon the mind of Franklin to the last moment, and the patriotic Dickinson

* Mr. Austin's Life of Gerry, pp. 161, 174, 185. See also the striking sketch of Hawley in Mr. Tudor's Otis.

could not prevail upon himself to sanction the final measure, even when determined on.* The same hesitation is expressed in the speeches of Wilson of Pennsylvania, R. R. Livingston, and E. Rutledge of South Carolina, as lately reported,† and it materially influenced a large and important class of the public men of that day, who, though thrown into the background at this time by the more thoroughgoing measures of the party headed by Adams and Jefferson, proved during the long contest which followed, that whatever might be the tenets of their political creed, they could never be wanting in devotion to the common cause.

Mr. Livingston certainly partook of these doubts as to the expediency of the final separation. In a letter to Henry Laurens, dated Lebanon Valley, 5th February, 1778, he says, "As to the policy of it, I then thought, and I have found no reason to change my sentiments since, that if we could not maintain our separation without the assistance of France, her alliance ought to have been secured by our stipulation to assert it upon that condition. This would have forced her out into open day, and we should have been certain either of her explicit

* I am not aware whether it is generally known that Dickinson, as early as July 1776 (as I find by a letter from him among Mr. Livingston's correspondence), was in the military service upon the lines of New-Jersey and New-York. It shows how little personal considerations had to do with his opposition to the Declaration of Independence.

† Jefferson's Memoirs, vol. i. p. 10.

avowal or of the folly of our dependency upon it." In a letter of the 6th May, 1778, as will subsequently appear, Laurens replies, "I am happy in being entirely of opinion with your excellency respecting independence."

Entertaining these doubts as to the policy of the Declaration, Mr. Livingston first assumed a prominent military command, and immediately afterwards accepted one of the most obnoxious civil stations on the whole continent. If then his fears on this subject compel us to deduct something from the soundness, something from the enlargement of his political views, is it to be permitted that when courage and honesty are called in question, he should rank a single grade lower than any one of those whose clearer judgment or happier temperament enabled them to enter upon the contest without tremor or hesitation?

The feelings with which Mr. Livingston acceded to the decision of his countrymen are well and fully expressed in the letter already quoted. "We must endeavour to make the best of every thing. Whoever draws his sword against his prince must fling away the scabbard. We have passed the Rubicon, and whoever attempts to recross it will be knocked in the head, by the one or the other party on the opposite banks. We cannot recede, nor should I wish it if we could. Great Britain must infallibly perish, and that speedily by her own corruption, and I never loved her so much as to wish to keep her company in her ruin."

In the following extract from Livingston's first speech to the Assembly of New-Jersey, delivered 13th September, 1776, can be discerned the same spirit of caution and deliberation influencing his mind before the final measure was determined on, and the same earnest, I had almost said, chivalric defence of it, after its adoption. "Considering how long the hand of oppression had been stretched out against us," he says, "reason and conscience must have approved the measure had we sooner abjured that allegiance, from which not only by the denial of protection, but the hostile assaults on our persons and properties, we were clearly absolved. It may, however, afford some consolation to every man duly regardful of the convictions of his own mind, and the honour and reputation of his country, that America deferred this important step till the decisive alternative of absolute submission or utter destruction, announced by a numerous fleet and army, had extinguished all hope of obtaining justice, and that the whole continent, save a few self-interested individuals, were unanimous in the separation."

I should not have gone into this subject at such length, were it not that Mr. Livingston has been made the subject of a charge from a quarter of high authority, which it is proper here to repel; and I do it with the more willingness because with slight alterations these remarks may serve as a defence of others implicated with him. Mr. Adams, in a letter to Mr. Jefferson, of the 17th Sept. 1823,

published shortly afterwards in various papers of the day, says, speaking of Mr. Jay, "I have no doubt, had he been in Congress at the time, he would have subscribed the Declaration of Independence; he would not have left Congress like Governor Livingston and others." This must be supposed to imply, that the individuals referred to left Philadelphia in order to avoid the responsibility of acceding to a measure which they did not dare openly oppose, and cannot be understood to embrace a case like that of Dickinson, who withstood the project at all times, and withdrew from Congress avowedly on the ground of his repugnance to it.

No American will consider himself justified by any personal pique or partiality in speaking lightly of the eminent writer of the letter above quoted; but it is doing him no injustice to say, that the same ardor and earnestness which made him, in the language of his distinguished fellow-laborer, "the colossus of the first Congress," frequently led him into manifestations of feeling and expressions of opinion which a more deliberate judgment would have condemned. I have no wish to refute, at any length, a charge unsubstantiated by any fact, and which is disproved not less by Mr. Livingston's conduct at this particular time, than by the whole tenor of his life. The statement as it stands should certainly never have appeared in print. It is calculated from its vagueness to mislead others, as undoubtedly Mr. Adams was misled himself.

Who are these "others" thus hastily and peremptorily stigmatized with a cowardly desertion of their trust? Clinton, R. R. Livingston, and Alsop of New-York, Sergeant of New-Jersey, Dickinson of Pennsylvania, and Tilghman and Rogers of Maryland, all left Congress subsequent to Mr. Livingston's departure, and before the final vote. Are all, or any, and who of these alluded to in Mr. Adams's letter?*

Regarding the Declaration of Independence, as the most important and most familiar paper of that time, as a document which, unless we are blinded by a national egotism, must endure through all time, it cannot be doubted that the individuals whose names are affixed to it have acquired an enviable immortality, and every person interested in the reputation of the members above mentioned must regret that they were prevented, by whatever cause, from signing it. But if it be examined in an historical point of view, there is much reason to believe that both with regard to the act itself, and

* The last mention of Rogers in the journal is of the 5th of June; of Tilghman and Sergeant on the 6th; of Dickinson and R. R. Livingston on the 12th; of Clinton on the 24th, and of Alsop on the 28th. It should be stated that at the time the above letter of Mr. Adams appeared, a reply to it was published by an eminent friend of Mr. Livingston's family, and for a copy of this answer, without which indeed I might not have been made aware of the charge, I beg leave here to express my obligation. Gordon, in his Letters, ed. 1788, vol. ii. p. 277, has an allusion to this matter, but his general inaccuracy renders his authority of small value.

the individuals who assented to it, considerable misunderstanding exists. The epochas and eras into which the annals of every nation and every age are divided, grow often out of the imagination of historians and of posterity. To the actors in the scenes these striking contrasts and abrupt revolutions rarely exist; one event glides after another, and one modification of opinion is gradually succeeded by others; but the connecting links of the chain are soon lost; changes which appeared necessary, and were expected by those who marked the progress of affairs, and traced feelings from their source to their results, seem to a subsequent generation, not possessed of the same opportunity of observation, sudden and extraordinary.

When our independence was declared, it must be recollected that a government was established, armies were organized, and blood had been shed. The battles of Lexington and Bunker Hill had been fought; Ticonderoga and Crown Point were taken; Virginia had been ravaged by Dunmore, and Montgomery had fallen under the walls of Quebec. War had already, in fact, existed between England and the united colonies for more than a year. It must be remembered, too, that the principal provinces had instructed their delegates to vote for the separation, and the temper of all was known to be in favour of it. The representatives of the people did then what they have done ever

since. They followed, and did not attempt to outstrip, the current of public opinion. In fact, the principal difference of sentiment in the body appears to have been, whether their allegiance should be thrown off at that particular moment. It is with reference to this that Franklin is understood to have opposed it, and that Robert Morris called it a year afterwards "a premature declaration."*

As to the danger which the members incurred, and the responsibility they took upon themselves in signing the declaration, there is also much exaggeration. Those who urged the measure, as in particular the Massachusetts and Virginia representatives, had already passed the Rubicon. Hancock and Adams, who had been proscribed in 1774, can scarcely be thought to have run any new risk in 1776. If there were many eminent men in that Congress, there were also several who were quite obscure; and when we for a moment suppose the revolution to have terminated unfortunately, is it to be imagined that these delegates, most of whom signed the declaration in obedience to positive instructions, would have been deemed more culpable than those who were in arms against the mother country—than men of more note, who were pressing the same scheme in the separate colonies, and in the primary assemblies? Is it to be believed that the ministerial vengeance would have overlooked John Jay, or

* Mr. Sparks' Gouv. Morris, vol. i. p. 231.

McDougall, or even Sears of New-York, and sought out John Hart of New-Jersey? or that Patrick Henry would have been pardoned, and John Morton condemned, for high treason?

While upon this subject, the following letter from the above named signer may be found curious, as showing the imperfect attainments of one member of the celebrated body of which I have been speaking.

"Sir,

"The House of Assembly Request that your Exelency Direct Mr. Colings* to print fifty Coppies of the Law for purching Cloathing for the New-Jersey Redgment and transmit the same to your Excelency as soon as possable.

"I am Sir

"Youre Humble Sevant

"John Hart."

"To his Excelency William Liveingston.

"Princetown, November 25th, 1777."†

* Isaac Collins, State-printer, the father of the enterprising gentlemen of the same name, now and for a long time extensively engaged in the bookselling business in the city of New-York.

† The original of this curious document is now in the possession of the Rev. W. B. Sprague of Albany, a gentleman who, in addition to discharging the responsible duties imposed upon him by his profession, has amused that portion of his leisure not devoted to the pursuit of general literature, in getting together a large and valuable collection of manuscripts. It could be wished that this example were more generally followed. No one who

Hart was one of the very few exceptions to the general cultivation and accomplishment of the members of the second Congress. He was a plain, honest and substantial farmer; was a member of the Colonial Assembly, and of the Provincial Congress of New-Jersey; after he returned from Philadelphia was made a member of the Legislature, and at the time this letter was written was speaker of the Assembly. His firm and estimable character would probably have raised him to a more conspicuous position, had not his career been cut short by his death, which took place at an early period in the revolutionary contest. He died, I believe, in 1778.*

This long digression closed, we return to the main subject. The private views of Mr. Livingston on this question do not furnish the reason why his name is not affixed to the Declaration of Independence. It was not in his nature to shrink from any duty, and he made his own opinion on subjects of national interest, where no moral question intervened, yield to the sentiment of his fellow-citi-

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has had occasion in reference to any particular portion of our history to hunt up original authorities, can fail to have lamented the general indifference with which these valuable relics of a former day are treated: not only in most cases is no care shown to preserve them, but they are often destroyed with a recklessness, which, irreparable as its consequences frequently are, can scarcely be excused under the plea of ignorance.

* Vid. his life in Saunderson's Biog. of the Signers.

zens. When he was recalled from Congress, the instructions under which he acted did not authorize him to accede to any final measure. The delegates who were thus empowered received their appointment from the Provincial Convention on the 21st of June,* and the following letter to Samuel Tucker,† president of that body, dated Brunswick, 9th August, 1776, shows him to have been somewhat irritated at not being allowed to return to Congress, to act under those instructions. It may have been supposed that he would be more useful in his military command, than in voting upon a question already decided. After denying one or two imputations of language disrespectful to the Convention in a previous letter, he continues :—" With respect to what was said about the delegates for the Congress, I did really mean to resent the conduct of those of your members who assigned the my being appointed to the command of that brigade" (probably a brigade destined for New-York) " as a reason against my being eligible as a mem-

* This delegation, consisting of Witherspoon, Stockton, and others, arrived after the Declaration had been signed, but were allowed to affix their names to it.—Vid. R. H. Lee's Mem. vol. i. p. 183.

† The case of Tucker is a strong one to show the panic which seized many of the leaders of the whig party, on the invasion of the British. He was president of the Convention which formed the constitution of the State, and was in the fall of 1776 appointed treasurer, and subsequently judge of the Supreme Court; but in December he took a protection from the British, and thus vacated his offices.—Vid. Jour. N. J. Assem. 17th Dec. 1777.

ber of Congress, when I had plainly refused that command in the presence of the Convention."

Early in June, as has been stated, Mr. Livingston took post at Elizabethtown, as commander-in-chief of the New-Jersey militia, there being at this time no other state officer of equal rank with himself. Elizabethtown Point, one of the most exposed parts of New-Jersey, on the side of the expected invasion, had been among the earliest to be put in a state of defence, and the importance of the post was about this time (28th June) very much increased by the arrival of Sir William Howe off Staten Island.* From this period, indeed, the command was one of incessant vigilance and anxiety, and nothing but an earnest desire to answer every call made upon him by his country, could have induced Livingston to accept a situation which, as his letters show, was extremely irksome to him. All the habits of his life were averse to his present occupation, and although not called into active service, still in the fidelity with which he discharged the new duties incumbent upon him, in his strenuous endeavours to imbody and to discipline the militia of his colony, we find that spirit and capability of adaptation to circumstances

* An anecdote is told of the fortification of this post, illustrative of the crude military knowledge of the Americans. The persons to whom the duty was intrusted thought that all was completed when ditches were dug, and ramparts thrown up, across the principal roads; "forgetting," as my informant said, "that the enemy could jump over the fence."

which supply perhaps the best test and definition of genius.

The effects of war upon private comfort and happiness soon made themselves apparent. Mr. Livingston's family about this time abandoned their home, which was no longer considered a safe residence, and for four years they made no other than transient visits to it.* On the 28th of June, Adjutant Joseph Reed was sent over to Elizabethtown by Washington to confer with General Livingston on the subject of calling out the militia; and the following letter written about this time will show some of the difficulties which embarrassed the resources of the province.

"TO GENERAL LIVINGSTON.

"Lebanon township, Hunterdon co.
June 30, 1776.

"DEAR GENERAL,

"Being called into this part of the country upon some private business of my own, and having the general good always at heart, I have taken some

* The winter of 1776–77 was spent by Mr. Livingston's family among their relatives at Baskenridge, in Somerset county. In the next spring Mrs. Livingston, liking the proximity of the American army almost as little as that of the enemy, determined to return to Elizabethtown. She was actually on her way thither with her daughters, when she was met by General Washington, who representing the great risk she would run in her own house, she changed her purpose and fixed her residence at Percepany, where the family principally spent the next three and a half years.

pains to inquire as to the state of the new levies, and from what I can collect, I believe the companies in this county are not above half full, although some of the companies have augmented the bounty to eight pounds prock.* In Somerset, I believe, 'tis not much better. * * *

"There are numbers of tenants that say if they are taken away at this season of the year, they may as well knock their families in the head, for that they will be ruined. At a muster some time past, in order to recruit men, one half of two companies came with clubs; Colonel Johnson was knocked down by them, and was afterwards obliged to retreat; the same day one of the captains was much beat by them. —— has been to Congress, and has obtained an order for taking them up. * * * When the militia collected they dispersed, and several that were called tories have since appeared to be staunch whigs, and as long as they are kept in fear, I suppose will continue such. * * *

"Edward Thomas."

Livingston's letters written about this period show the anxiety with which he devoted himself to the cause. "I must acknowledge to you," he says in a letter to the provincial Congress of the 6th of July, "that I feel myself unequal to the present important command, and therefore wish for

* Proclamation money, issued by the colony, and afterwards by the State.

every assistance in my power. I could wish to have the Congress much nearer. The number of men that are now in the service here loudly call for more ample supplies of almost every necessary (except provisions) than can be obtained here, such as ammunition, flints, arms, and indeed stores of every kind, an attention to which I cannot give in the manner I could choose in the present exigency." In a letter to the president of the provincial Congress, dated the 3d of July, he says, "The difficulty of sending so many expresses to every quarter leads me humbly to suggest the propriety, at least, if not the absolute necessity, of removing your sessions to some place nearer the scene of action." The Congress was at this time sitting at Burlington; the force of the arguments used to persuade them to approach nearer to the lines, induced them to adjourn to Trenton, on the 4th of July, and finally to remove to New-Brunswick on the 22d. It may be here mentioned that Elias Boudinot, subsequently conspicuous in our history, was at this time General Livingston's aid-de-camp.

In compliance with the repeated wish of Livingston, General Hugh Mercer was, on the 6th of July, detached from New-York to New-Jersey, and after spending a day or two together in conference at Elizabethtown, the latter proceeded to Amboy, thus relieving General Livingston of a portion of his difficult duty. If all the letters of Washington, Reed, Mercer, and Livingston himself, belonging

to this period, which appear important or interesting, were to be printed, this volume would be swelled far beyond its prescribed limits. I must therefore hurry on to the entrance of the subject of this memoir upon a new sphere of action.

About the middle of August, a large portion of the militia of New-Jersey was imbodied, a flying camp organized, several new general officers called into service, and Livingston's command was reduced to the post at Elizabethtown, held by a force varying from a thousand to fifteen hundred men. The situation seems still to have been sufficiently arduous, and the following letter to William Hooper, delegate in Congress from North Carolina, will best show its character.

"Camp at Elizabethtown-Point,
29th August, 1776.

"Dear Sir,

"I received yours of yesterday's date, just after I had got into my new habitation, which is a marquee tent in our encampment here. You would really be astonished to see how grand I look, while at the same time I can assure you I was never more sensible (to use a New-England phrase) of my own *nothingness* in military affairs. I removed my quarters from the town hither to be with the men, and to enure them to discipline, which by my distance from the camp before, considering what scurvy subaltern officers we are ever like to have while they are in the appointment

of the mobility, I found it impossible to introduce. And the worst men (was there a degree above the superlative) would be still pejorated, by having been fellow-soldiers with that discipline-hating, goodliving-loving, "to eternal fame damn'd," coxcombical crew we lately had here from Philadelphia. My ancient corporeal fabric is almost tottering under the fatigue I have lately undergone: constantly rising at 2 o'clock in the morning, to examine our lines, which are ———— and very extensive, till daybreak, and from that time perpetually till eleven in giving orders, sending despatches, and doing the proper business of quarter-masters, colonels, commissaries, and I know not what. * * *.

"I have not been able to learn the particulars of Colonel Tidwitz's crime. The report here is, that he was bribed by Governor Tryon to poison the well in the fortress he commanded, and that the letters were intercepted, and the poison was actually found in his chest; but it is folly to depend upon reports. When I can learn the particulars in a manner authentic, I shall be happy in finding an excuse for troubling my friend with another letter from

"Your most humble Serv't,

"Wil. Livingston."

The following description of the battle of Bushwick by an eyewitness will, perhaps, best close this portion of my narrative.

"TO GENERAL LIVINGSTON.

"DEAR SIR,

"Though I am much fatigued, not having had my cloaths off since Monday evening, and no sleep for two nights, I sit down chearfully to comply with your request. On General Green's being sick, Sullivan took the command, who was wholly unacquainted with the ground or country. Some movements being made which the general did not approve entirely, and finding a great force going to Long Island, he sent over Putnam, who had been over occasionally: this gave some disgust, so that Putnam was directed to soothe and soften as much as possible. In this condition things were, and growing more critical. Lord Stirling went over; some regiments were also sent: they were ordered to lay in a wood near Flatbush; but the road from Jamaica having been neglected, they were surprised on Tuesday morning. The picquet of 800 men, I fear, mostly ran off at the first fire; but several regiments being ordered out, and ignorant of the Jamaica rout, as soon as they engaged they found themselves surrounded, so that they were obliged to cut their way thro'. Many of them, behaved well and have suffered accordingly. Our loss I compute at 700 men, 2 general officers, Sullivan and Stirling; 9 colonels and lieutenant-colonels, 2 or 3 majors, and several other officers. The two first are prisoners and well used; we had a letter from Sullivan yesterday. Colonels killed and missing are Atlee, Miles, Piper, Parry, (killed).

Lieutenant-colonels Johnson, Lutz, Kacklin, Clark, Major Burd, and one or two I don't ———

The principal loss has fallen on 1st Pennsylvania Battalion, Atlee, Smallwood, Huntington, and Haslet's, all of whom behaved so as to command the admiration of all those who beheld the engagement. My lord,* who loved discipline, made a mistake, which probably affected us a great deal: he would not suffer his regiments to break, but kept them in lines and on open ground. The enemy, on the other hand, possessed themselves of the woods, fences, &c., and having the advantage of numbers, perhaps ten to one, our troops lost every thing but honour; his personal bravery was very conspicuous. As this wood made a capital part of the Long Island defence, and Lord Howe was every day attempting with the wind ahead to get up to town, it became a serious consideration whether we ought to risk the fate of the army, and perhaps America, on defending the circle of about three miles, fortified with a few strong redoubts, but chiefly open lines. When the heavy rains came on, not half of the men had tents; they lay out in the lines, their arms, ammunition, &c. all got wet; they began to sink under the fatigues and hardships. The enemy at the same time possessed themselves of a piece of ground very advantageous, and of which they had ————. We were therefore reduced to the alternative of retiring to this

* Lord Stirling, no doubt.

place, or going out with ———————— to drive them off; it was unanimously agreed to retire, and measures taken to execute it, which was done, in the face of their army, so effectually that between sunset and sunrise our men, ammunition, all our artillery (except 5 pieces of heavy cannon), the greatest part of our prisoners, were got off undiscovered and safely landed here. We shall now therefore have our whole strength collected together, and govern ourselves accordingly. We took 30 prisoners, and 1 officer from the enemy, and have reason to think their loss also considerable. In Gen. Sullivan's note he says, Lord Stirling will be exchanged for either of their brigadiers; from which we suppose two are killed, as they are not in our hands. A sergeant brought in a laced hat, shot through, and the name of Colonel Grant wrote in it, from which we suppose he is certainly killed, and may be Gen. Grant, since promoted.

"I have given you the substance, and I believe it is pretty exact.

"I am, with great truth and esteem, &c.,

"Your most obed. humble Serv't.

"Jos. Reed.

"August 30th, 1776."

CHAPTER VII.

General Livingston elected Governor of the State of New-Jersey in August, 1776—His Exertions to rouse the People—Battle of Trenton—Letter from Lord Stirling—Notices of that Officer's Life. 1777—Difficulties of the Government of the State—Letters from Washington and Putnam—Militia Law—The Council of Safety—Livingston's Hostility to the Tories—Letter from Brockholst Livingston—Notices of his Life—Livingston unanimously re-elected Governor in November—Contributes to the New-Jersey Gazette, under the signature of *Hortentius*.

The first Legislature of New-Jersey, chosen under the republican constitution, which had been promulgated on the 2d July,* assembled at Prince-

* The Declaration of Independence was made on the 4th of July, 1776. The confederation was acceded to, at different periods, from 1778 to 1781. Were not all the States—was not, for instance, the State of New-Jersey an absolutely sovereign power, from the 2d July, 1776, to November 26th, 1778 (at which time her delegates signed the articles of confederation)? If not so independent, upon whom did she depend? The Declaration of the 4th of July, although made for greater effect jointly, certainly formed no union of the colonies, any more than the non-importation agreement signed by the members of the first Congress. Moreover, some of the states had completely, and all of them partially, established separate independent governments prior to the Declaration of Independence. New-Jersey, on the 28th of June, authorized her delegates to accede to the separation, and her present constitution bears date the 2d

ton on the 27th August, 1776, and on the 31st of the same month, in joint ballot of the Assembly and Legislative Council, William Livingston was elected governor of the new state. Within a few days after receiving the intelligence, General Livingston resigned his command at Elizabethtown, and repairing to Princeton, was on the 7th September inaugurated in his office.

The opposing candidate at this election was Richard Stockton, well known as one of the signers of the Declaration of Independence. On the first balloting the votes were equally divided,* and it was not till the next day that the two parties coalesced in support of Mr. Livingston. The defeat of the unsuccessful candidate has given rise to a charge against his patriotism, first, I believe, stated

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July. Even if the Declaration formed a union (of which it prescribes no terms, and for the violation of which it provides no penalty), was not New-Jersey an independent power from the 28th of June, or the 2d of July to the 4th July? Nor are these questions to be derided as metaphysical. Were the States now forming the union ever, though but for a day, sovereign, self-existent communities? Did they accede to the constitution as such sovereign, self-existent communities? These propositions are matters of fact—they must be determined before any accurate idea can be had of the constitution; and accordingly as they are differently answered, will our opinions of the rights of the States and the powers of the federal government widely and most materially differ.

* Vid. the printed minutes of the joint meeting in N. J. State Library at Trenton.

by Gordon,* and warmly denied by the writer in Saunderson's Biography of the Signers. It is not my place here to go into any defence of Mr. Stockton against an accusation on its face not very probable, and which would almost appear to be refuted by the hereditary character of his family. On the contrary, it speaks highly for Mr. Livingston, that a residence of but four years in New-Jersey should have enabled him to obtain a majority over a native of the province, who had been one of its judicial officers under the crown, and who was held in sufficient consideration to be elected chief justice of the State by this same Legislature, the day after his defeat as candidate for the office of governor; and we are easily reconciled to the hard-won success of Mr. Livingston, in this instance, over such an antagonist, when we know that all his subsequent elections were unanimous or obtained by large majorities.†

On the 13th of September, Governor Living-

* Hist. Am. Rev. ed. 1788, vol. ii. p. 300.

† Among Governor Livingston's MSS. I have the answer of John Stevens to the memorial of the Hon. R. Stockton. It is addressed to the Legislature, and is connected with this subject. I am told by a person formerly intimate with John Cleve Symmes, at this time a member of the Council, that he often said between jest and earnest, "that *he* made Mr. Livingston governor." Whether by this is meant, that on the final vote, Gov. L. had only a bare majority, or that Mr. Symmes induced the adherents of Mr. Stockton to join those who were in favour of his rival, I doubt whether there are now any means of ascertaining.

ston delivered to the Legislature his first speech. It was an earnest of his after-course. "Let us, gentlemen," so closes this earnest call for their warmest sympathies, and most vigorous exertions in the American cause, "both by precept and practice, encourage a spirit of economy, industry, and patriotism, and that public integrity and righteousness which cannot fail to exalt a nation; setting our faces at the same time *like a flint* against that dissoluteness of manners and political corruption which will ever be the reproach of any people. May the foundation of our infant state be laid in virtue and the fear of God, and the superstructure will rise glorious and endure for ages. Then may we humbly expect the blessing of the Most High, who *divides* to the nation their inheritance, and SEPARATES the sons of Adam. In fine, gentlemen, while we are applauded by the whole world for demolishing the old fabric, rotten and ruinous as it was, let us unitedly strive to approve ourselves master builders, by giving beauty, strength and stability to the new." From an expression in this paragraph, and from his inflexible impartiality, the new governor was for some time after this familiarly known among the people of Jersey by the name of "Doctor Flint;" and an anecdote is told of Mr. Ames, from some momentary confusion of ideas, "setting the table in a roar," at a dinner in New-York where he met Governor Livingston, by asking "Dr. Flint, whether the town of Trenton was well or ill disposed to the new constitution."

The following letter is from Brigadier-general Maxwell, a native of the State of New-Jersey, at this time I believe holding the rank of colonel, and who proved himself a highly respectable officer on more than one occasoin during the war.

"TO GOVERNOR LIVINGSTON.

"SIR,

"I heartily congratulate you on the honourable promotion you have had, viz. to be the first governor of the free State of New-Jersey: as it is a plant you have had a great share in raising and pruning, I wish you sincerely a long and happy enjoyment of the fruits of your labour.

"I will try to give you some account of our affairs here at present, in a private way. You must have heard that a few days ago we had a fine fleet and tolerably good army. But General Arnold, our evil genius to the north, has with a good deal of industry got us clear of all our fine fleet, only five of the most indifferent of them, one row-galley, excepted; and he has managed his point so well with the old man, the general, that he has got his thanks for his good services. Our fleet, by all impartial accounts, was much the strongest, but he suffered himself to be surrounded between an island and the main land, where the enemy landed their men on both places, and annoyed our men from both places, more than from their vessels; but still our people repelled them with ease the first afternoon. In the night, he gave orders to every vessel to make the best of

their way, by which they became an easy prey, beat by one, twos, and threes, and ran them on shore, or destroyed them all: but one row-galley fell into their hands. This was a pretty piece of admiralship after going to their doors almost, and bantering them for two months or more, contrary to the opinion of all the army. Had we our fleet here we would give ourselves but little concern about the enemy.

"If they do come and attack us, as is generally thought, we have no more opinion of his abilities by land than water. I am something of opinion they will not come, but be contented for this time, as they have done more than they had any reason to expect. I am, sir, your most obedient humble servant, Wm. Maxwell."

"Ticonderoga, 20th Oct. 1776."

It becomes somewhat difficult to do justice to that portion of Governor Livingston's life upon which we now enter, without going more at large than is desirable, into a narrative of those facts which properly belong to a history of the revolutionary war, the principal scenes of which, for two years subsequent to this period were acted in New-Jersey.* A glance at the principal events of the

* A minute and accurate account of the war in New-Jersey, is still a desideratum in our history. The papers of Washington, Stirling, Greene, Livingston, Putnam, and Mercer, if preserved, would probably furnish ample materials for the undertaking.

campaign of 1776 will show how important the administration of the State had now become, and how much depended upon the ability, industry, and devotion of the governor. On the fifteenth of September the city of New-York fell into the hands of the British; two months were consumed by the hostile armies on the east bank of the Hudson: but when, on the sixteenth of November, the fall of Fort Washington was followed by the passage of the Hudson under Cornwallis, by the abandonment of Fort Lee, and by the rapid retreat of the American troops, the scene of action was immediately transferred to the heart of New-Jersey.

Governor Livingston made the most strenuous exertions with the Assembly and with the people, to have the militia in the field in time to oppose the invading force. In addition to writing personally to all the State officers of the rank of colonel, he issued printed circulars in his own name in every direction, to arouse and keep alive the spirit of resistance.* But the efforts of the few could not control the panic which had seized upon the mass of the population. This was the most gloomy period of the war. The bare-footed and ragged American army retreating before the well-appointed troops of the enemy, impaired the confidence of the people, not less in the ability of Washington than in their own resources. The

* Some of these circulars still remain among his MSS.

defenceless Legislature, with their governor at their head, wandered from Princeton to Burlington, from Burlington to Pitt's Town, from Pitt's Town to Haddonfield, and there finally, at the utmost verge of the State, dissolved themselves on the 2d of December, leaving each member to look to his own safety, at a moment when the efforts of legislators could be of no avail, and when there was no place where they could safely hold their sessions. There scarcely remained a vestige of the lately constituted government, or any who owed it allegiance, and until the battle of Trenton (25th of December), New-Jersey might have been considered as a conquered territory. This success revived the hopes of the well-affected. The British retreated, and of the conquest then wrested from them, they never again repossessed themselves. The following letter from Lord Stirling will serve to illustrate the spirit which the victory alluded to infused into the Americans.

"TO GOVERNOR LIVINGSTON.

"New Town, December 28th, 1776.

"MY DEAR SIR,

"I dare say you have heard of our little expedition to Trentown, on the night of the 25th: the result was, that we made a most complete surprise on them, and have taken and killed at least 1200 of the best of Hessian troops, with their artillery and stores. The effect is amazing, the enemy have deserted Borden Town, Black Horse, Burlington,

Mount Holly, and are fled to South Amboy; we are now in possession of all those places, and the spirit of that part of the country is roused; every part of New-Jersey will take spirit if proper measures be adopted; it will in New-Jersey now greatly depend on your Legislature exerting themselves; the speaker of your Assembly has summoned its members to be at the Four Lanes, about four miles from hence on Thursday next; it will be of infinite use that you and some of your Council could be there at the same time, in order to have an immediate meeting of your Legislature. I hope we shall soon be in full possession of New-Jersey, but there is an absolute necessity of a new arrangement of the officers of your quota of the troops for the continental service. As things now stand no man of spirit will serve, nor will any one exert themselves in the recruiting service untill the appointments of officers is altered; if this is not immediately done the force of New-Jersey is lost. Come, for God sake, and see these matters regulated, let merrit in service, and not dirty connections, take place. Excuse all this freedom; I write this at the request of General Washington, with a very lame hand, but I hope it will be well enough to give them another drubbing soon. I had the honour to make two regiments of them surrender prisoners of war, and to treat them in such a style as will make the rest of them more willing to surrender than to fight.

"Several regiments of the continental troops are

now in Morris county, and some in Bergen county. If your militia would now exert themselves in small scouting parties and fall on their detached cantonments, or their line of march in retreat, they would be completely knocked up. Now is the time to exert every nerve, and if we do, General Howe's army will be ruined; they will have no recruits in the spring, and the next campaign will be our own. God bless you: be active, and make the State of New-Jersey what it ought to be.

"Most affectionately yours,

"STIRLING."

The writer of the above letter, William Alexander, better known by the title of Earl of Stirling, of whom mention has been more than once made in this volume, the only son of James Alexander,* was born about the year 1726.

In or about 1747, he married Sarah, daughter of Philip Livingston, second proprietor of the manor, and thus became allied to the subject of this memoir. He commenced business as a merchant in New-York, and we have already seen that in the colonial politics he espoused that side which was maintained by his relatives of the Livingston family. In 1755, Mr. Alexander was appointed by General Shirley one of the army contractors. In the course of the next year, he totally relinquished his commercial business, and be-

* For a notice of this eminent New-York lawyer, vid. chap. ii.

came private secretary to the commander-in-chief. About the same time he was made surveyor-general of the Eastern division of New-Jersey, by the proprietors. The taste for mathematics, and the dexterity in their practical application, which he inherited from his father, rendered this appointment peculiarly appropriate.*

In September, 1756, Mr. Alexander accompanied Shirley to England, partly to vindicate the reputation of the latter from the aspersions by which it had been assailed, and partly to assist in settling the army accounts, which had become very complicated. In connexion with these affairs, he was, in the spring of 1757, examined at the bar of the House of Commons.† While in England he was induced, as it is said, by the persuasions of Shirley to lay claim to the Scottish earldom of Stirling, of which he bore the family name, and which had been in abeyance since 1739. With the assistance of his counsel, Mr. Wedderburne, afterwards Lord Loughborough, Mr. Alexander succeeded so far as in 1759 to establish his direct descent from the titled family before a jury of service, as required by the Scottish law. Upon this, the final event of the application being deemed certain, some of his friends gave him the title in

* A calculation of the transit of Venus, made by Lord Stirling in 1769, which is preserved in the N. Y. Hist. Soc. Library, may be mentioned as a proof of his mathematical proficiency.

† I have a curious MS. letter from Wm. Baker, an army contractor, to Christopher Kilby, relating to this examination.

their intercourse with him, and he incautiously adopted it. This, it seems, was done about the same time by several other claimants of peerages.

The matter was yet, however, to undergo the final decision of the British House of Peers, as, if I rightly understand it, there were conflicting grants of the earldom. While the question was yet pending, in October, 1761, Lord Stirling, as subsequently he was most commonly designated, left England for America with the intention of returning, which was, however, frustrated. An order was shortly afterwards made by the House of Lords, forbidding all claimants of peerages to use the titles to which they pretended, until their rights were established. With this order Lord Stirling did not comply, and his disobedience may have had its influence in the final decision, which was unfavourable to him. The title was, notwithstanding, as we have said, given to him by courtesy through the remainder of his life. It may be here remarked, that up to this date,* the right to this earldom is still undetermined, a new claimant having recently assumed the title.

Shortly after his return to America, Lord Stirling removed to Baskenridge, in the county of Somerset, in the colony of New-Jersey, where his father had owned extensive tracts of land; and being soon afterwards appointed a member of the king's council, he remained at this place until the revolution. His letters to the Lords Bute and

* 1832—as appears by an English newspaper.

Shelburne, some of which remain, show an earnest desire to develop the resources of this colony. He made a map of the province, and endeavoured, so far as lay in his power, to foster its manufactures. In the year 1773, he actively exerted himself in endeavouring to discover the agents in the robbery of the treasury, a circumstance already spoken of.

Lord Stirling seems to have taken no part in the revolutionary contest until after the battle of Lexington. In October, 1775, we find him colonel of the militia of the county of Somerset, which rank was subsequently confirmed by Congress,* and in December of the same year, he was suspended by Governor Franklin from his seat in Council. In January, 1776, he received the thanks of Congress for the capture of the ship *The Blue Mountain Valley*, which, with the aid of several gentlemen volunteers of Elizabethtown, he surprised and brought in a prize.

In March following, Lord Stirling was appointed a brigadier-general in the continental service, and immediately went over to New-York, to assist in the defence of that city. During the war he saw as much personal service as almost any officer of his rank. In August, he was taken prisoner at the battle of Bushwick, on Long-Island.† Being soon

* Journal 7th November, 1775.

† At this battle the body which Lord Stirling commanded was immediately opposed by General Grant, spoken of in Reed's letter, (vid. sup. p. 203) who had, some years previous, offered

after exchanged, he immediately resumed his command, and had an important share in conducting the retreat through New-Jersey. He was, as we have seen, present at the battle of Trenton, and was also at that of Princeton. In February, 1777, he was made a major-general, and fought at Brandywine and Germantown in the course of the same year. In July, 1778, he was present at the battle of Monmouth, and received the thanks of Congress for his attack on Powles-hook in 1779. During the remainder of the war, Lord Stirling was attached to the northern branch of the army, and had not the good fortune to share in the honors of the southern campaigns. It is not, however, our province to sketch his military services. He died at Albany, while in the chief command of the northern department, on the 15th of January, 1783.

Lord Stirling was highly esteemed as an officer and a man. His efforts to obtain the title induced

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in his place in Parliament, with five regiments "to drive the rebels into the sea." Immediately previous to the commencement of the action, Lord Stirling, who had known Grant in England, is said to have ridden in advance of his troops, and after courteously saluting the English commander, to have turned to his men, and reminding them of the arrogant threat, exhorted them to fulfil the menace upon the enemy. The anecdote may be true, though it savours a little of what in theatrical language is called "getting up;" while, perhaps, at the same time it illustrates as well as if it were more certain, marked and well-known traits in Lord Stirling's character.

pecuniary sacrifices, and involved him in embarrassments which cast a shade over the latter part of his life; but however we may now smile or wonder at such costly efforts to obtain a barren peerage, we shall not forget the greater losses he risked, and the more perilous endeavours he made, to establish a government which confers no higher title than that of American citizen. His courage was distinguished; even the scurrilous and abusive Cow-Chase (which no one can read without lessening his sympathy for the unfortunate André) gives him credit for the most entire bravery. Perhaps this short sketch of one of the most distinguished officers of the revolution may be best closed by an extract from a letter of condolence, written by General Washington to Lady Stirling, immediately after her husband's death. It is dated Newburgh, 20th January, 1783, and ends thus: "It only remains then as a small, but just tribute, to the memory of my Lord Stirling, to express how deeply I share in the common affliction, on being deprived of the public and professional assistance, as well as the private friendship, of an officer of so high rank, with whom I had lived in the strictest habits of amity; and how much those military merits of his lordship, which rendered him respected in his lifetime, are now regretted by the whole army."*

* The original of this letter is now in the possession of a grandson of Lord Stirling. From the MSS. of the N. Y. Hist. Soc., which have furnished the materials of this meager sketch,

The victories of Trenton and Princeton, inspiring, as they did, the people with the utmost confidence in their military defenders, rendered the British position in New-Jersey untenable. Their troops retreated to the northern part of the State, and although they were not entirely withdrawn till some months later,* yet the most important section fell back immediately into the hands of its rightful owners. As the State remained in nearly the same condition during the rest of the war, it may be proper here to give such a sketch of its situation as will serve to show the nature of the government, and the character required rightly to discharge the duties attached to it.

During the next six years, as we have said, New-Jersey was the frontier state, and exposed to all the miseries of a frontier warfare. At one time the enemy lay both upon her northern and southern boundaries, and her losses, in proportion to wealth

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might be framed a much more complete and interesting memoir of this officer; his connexion with the colonial politics of New-Jersey, and the military history of the revolution, could not fail to render it interesting.

* In June, when Howe failed in his endeavours to bring Washington into battle, he appears to have carried the main body of his troops over to New-York, but, perhaps, a small force remained in the State during the summer. On the 17th September, 1777, General Philemon Dickinson writes to Governor Livingston, "the enemy have crossed the North River, and totally evacuated Jersey."

and population, were probably greater than those of any other State, with the exception of South Carolina. The office of its governor was difficult and perplexing. The perpetual petitions for passes across the lines, involving a troublesome and invidious examination of the character of the applicant; the conflicting claims of the State and the regular army upon prisoners; the constant alarms of invasion on the part of the British; the urgent requests of the various counties for guards within their limits; the maintenance of the outposts and the beacons in a situation to anticipate these incursions; the illegal and injurious traffic secretly carried on with the enemy; the constant ravages of the refugee partisans; the bands of robbers infesting the mountainous and wilder parts of the State; the plunders committed under the sanction of the American name; the frequent quarrels between the militia officers, and the demands for courts-martial; the prayers of the prisoners in New-York for deliverance, and the loud calls for supplies on the part of both the State and continental troops, all by turns solicited and distracted Governor Livingston's attention.*

* The following is a ludicrous specimen of the multitudinous applications with which Governor Livingston was annoyed.

"Trenton May the 6—1782.

"Sir May it plæase your Excelexencey to Look att the Destress of a solger that Has got the Child of another Man Born in this town and the Mother is Ded at Camp and the Child Maks

That through this maze of various duties Livingston successfully made his way, without abating the least of a rigid honesty, which sometimes necessarily assumed the appearance of severity,—that he faithfully fulfilled the duties of his station, and retained the affection and esteem of his fellow-citizens unchanged,—speaks no more highly for his merit than it does for their correct apprehension of the only characteristics which could have suited the time and circumstances.

It must be remembered also that the office of arbitrator between small and conflicting interests; of adjudicator of petty and vexatious claims, while peculiarly harassing, carries with it the least possible reward of reputation. All the requisites essential to success in far greater and more important transactions are demanded here. The weight of a reputation already established for rigid integrity, a nice perception of character, ability to command and equal ability to persuade, were all, perhaps, brought into play, to settle a question of precedence between two militia captains, whose dissensions might have left an important post unguarded.

On the part of his subordinates, Livingston had

Him usles to His Command as he does Not No what to Doo with it May it pleas your Honer to assist him to Make the overseers to take it from Him as he is a good solger and Has No ways to suporte the poor Enfent.

"Patrick Murrey."

to contend with dishonesty and wilful mismanagement, no less than with inattention and criminal good-nature. "Our patriotism," he says, a few years later,* "is as much depreciated as our currency:" and we meet repeatedly bitter complaints of misconduct of every kind, wrung from him by transactions which he daily saw taking place on all sides of him, but which he had no power to prevent. "It has been an affliction to me," he writes, on the 23d of January, 1782, to the Rev. Azel Roe, "that the exchange of our citizens in captivity with the enemy, and the supplying them with necessaries at the expense of the State, has not been more attended to; but this not being in the department of the executive, I can only represent, recommend, solicit, reiterate, and grumble." At the same time he construed the power conferred upon him with the utmost closeness, and never allowed himself to overstep its boundaries, however tempting the immediate good which lay in his reach. In January, 1778, writing to Laurens, he says, "Between the boundless avarice of many of our farmers, and the villany of many of the gentry employed in public business, we are reduced to the most melancholy situation, from which I foresee nothing short of the most vigorous efforts can extricate us; but as for measures unwarranted by law, by civil officers, whose business it is to enforce them—*fiat justitia et pereat mundus*."

* MS. letter to President Huntington, 29th of Oct. 1779.

The unmilitary conduct of the British troops, and their brutal treatment of the inhabitants in their march through New-Jersey, is fully and eloquently described in a message sent by Governor Livingston to the Assembly at Haddonfield, on the 28th of February, but as it has been recently republished,* no extract from it is necessary in this place. It may be here mentioned that the enemy wantonly injured Governor Livingston's house at Elizabethtown, and made several unsuccessful attempts to set it on fire. The officer in command, in the same spirit, gave the inhabitants leave to cut wood from his grounds, but only one person was found willing to avail himself of the permission.†

We have arrived at the moment when the tide of success began to turn, and when a strenuous effort was made by the leading men of the State to secure the integrity of New-Jersey, and by developing to the utmost her physical and moral resources, to make her a barrier against the advance of the enemy, instead of a trophy of their success. The subject of the militia early attracted their attention. The ordinances of the convention regulating it had proved inefficient, and among the first matters urged by the governor upon the Legislature, on their assembling (24th of January, 1777), was the passage of such a law as should make it

* In Mr. Williston's Eloquence of the United States.

† MS. letter to Governor Livingston, 12th Jan.

every man's interest to be in the field, while it should not disgust the people by unnecessary severity. On the same day I find Washington writing to Governor Livingston as follows.

"Head-Quarters, Morristown,
24th Jan. 1777.

"SIR,

"The irregular and disjointed state of the militia of this province makes it necessary for me to inform you, that unless a law is passed by your Legislature to reduce them to some order, and oblige them to turn out in a different manner from what they have hitherto done, we shall bring very few into the field, and even those few will do little or no service.

"Their officers are generally of the lowest class of people, and instead of setting a good example to their men, are leading them into every kind of mischief, one species of which is plundering the inhabitants, under pretence of their being tories. A law should, in my opinion, be passed to put a stop to this kind of lawless rapine, for unless there is something done to prevent it, the people will throw themselves of choice into the hands of the British troops.

"But your first object should be a well regulated militia law. The people, put under good officers, would behave in quite another manner, and not only render real service as soldiers, but would protect instead of distressing the inhabitants.

"What I would wish to have particularly insisted upon in the new law, should be, that every man capable of bearing arms should be obliged to turn out, and not buy off their service by a trifling sum. We want men, and not money.

"I have the honour to be,

"With the greatest respect, Sir,

"Your most obedient humble servant,

(Signed) "Go. Washington."

Governor Livingston's message shows that he fully coincided in the sentiments expressed in this letter; but experience alone was destined to convince the people of New-Jersey of the necessity of energetic and even rigorous measures. Peculiar views of policy also concurred to recommend the course of the Legislature; their constituents had just emancipated themselves from a government charged with oppression and exaction; the new system was a problem fully comprehended by none; the respect and affection of its subjects were to be secured by wisdom and moderation. These considerations rendered it highly desirable that the appearance of severity, even if necessary, should be very gradually assumed, and that the leaders should sedulously seek rather to obey the voice of the people than to compel them.

The Quakers had from the commencement of the contest shown great reluctance to enrol themselves in the militia, to the payment of pecuniary compositions in lieu of service, and indeed to

every measure which tended to interfere with their peculiar tenets. General Putnam, at this time stationed at Princeton, irritated by the numbers who held aloof from the standard, issued peremptory orders to apprehend all delinquents, and to exact personal service, or levy proportionate fines. This measure, unwarranted as it seems by the ordinances of the convention, and repugnant to the constitution, which guarantied the most entire toleration of principle and practice, fell immediately under the notice of the governor.

He entirely disapproved of it, perceiving that injurious as was the conduct of the Quakers, this course could only tend to disgust the moderate men of either side, without bringing into the field any valuable recruits. He therefore wrote to Putnam, urging him to desist until the opinion of the commander-in-chief could be procured. The old soldier acquiesced, but does not appear to have understood or relished the forbearance. His letter is so characteristic that I have inserted it at length.

"Princeton, 18th February, 1777.

"Dear Sir,

"I received your favour of the 13th instant by Major Livingston, and should have answered it sooner but was prevented by variety of business.

"I would by no means be thought an advocate for pecuniary compositions in lieu of the actual service of the militia; at a time like this, no sum can be really equivalent. I detest the practice

of admitting it, and (as members of society) the sect for which it was introduced. The distribution of these sums among the soldiery I consider as an additional grievance, and sincerely wish they were both exploded. By the former part of your letter, 'It was my purpose to have all our militia join the army:' by this I would have thought the Quakers were not excluded—but the remark in your postscript, that the Quakers cannot be compelled to fight without violating those conscientious scruples, &c., gives me to doubt whether money may be deemed satisfactory, or these drones of society permitted to remain unmolested.

"If compositions are allowed, Col. Cripps (or some other person) must execute his orders. If nothing is required, tender consciences will multiply to an alarming degree, and backwardness indeed take place. The Burlington militia were reluctant chiefly on this account—and finally brought their Quakers before me; if I had detained them their month, it must have been by keeping them constantly under guard, but this would have been gratifying spleen to very little purpose. I did not ask them to fight, and they did not choose to fatigue, but were willing to submit to the fine imposed by the State; they did so and were dismissed.

"The Salem militia were in like manner uneasy that the consciences of any should not only tie their hands, but screen their purses: that this might not be entirely the case, I gave Col. Cripps his orders. Far be it from me to pretend to counteract any decree of the State, however absurd. I

stopped the fines which were levied, only till I could be satisfied of the pleasure of the Legislature. I knew the militia bill was before them, doubted not this matter would be included, and thought probably a resolution (disposing of these compositions, if any were allowed to better purposes) might be made previous to their being collected, or becoming the property of the soldiers. My sole view in Col. Cripps's orders was, in short, to quiet the militia, and assist the service in a way consonant to law. I beg to submit entirely to your wisdom to pursue such measures as will most conduce to these valuable purposes. I wish, however, to be informed if the law allowing pecuniary compositions be still in force; and if it be, whether all are not equally entitled to choose the penalty or duty, or whether a part are entirely excused.

"You are doubtless before this acquainted that Major Dick* Stockton and his party are taken—the prisoners were sixty-one, including officers. The enemy had four killed and one wounded, supposed mortally; we lost one man. Among other articles, sixty-three excellent muskets were brought off—those are now in the hands of your militia, and if Gen. Washington will permit, I would advise that they be purchased by the State for their use.

"I am, sir,

"Your most obedient servant,

(Signed) "ISRAEL PUTNAM."

* One of the numerous family of that name, from his treachery called "Double Dick."

Washington coincided fully with Governor Livingston, and laid his commands upon Putnam accordingly. Writing under date of the 22d February, he says, "Your sentiments on the subject of General Putnam's letter to you so exactly coincide with mine, and your reasoning is so perfectly just and full, that without any observations in addition, I have directed the general immediately to put a stop to the practice of extorting fines from the reluctant militia, and ordered him to take no steps not strictly consonant with the laws of this State."

Shortly after this I again find Washington writing as follows on the subject of the militia law.

"Head-Quarters, Morristown,
8th March, 1777.

"Sir,

"I this moment had the honour to receive your two favours of the 3d inst. * * * How can an assembly of gentlemen, eyewitnesses to the distresses and inconveniences that have their principal source in the want of a well-regulated militia, hesitate to adopt the only remedy that can remove them! And stranger still, think of a law that must necessarily add to the accumulated load of confusion. For Heaven's sake entreat them to lay aside their present opinions, and waiving every other consideration, let the public good be singularly attended to. The ease they design their constituents by composition must be delusive. Every injurious

distinction between the rich and poor ought to be laid aside now. The enemy cannot remain much longer in their present situation. Their peace for some days past indicates preparations to move. When they do, your Assembly may perhaps wish that their militia were in the field. I have endeavoured to cut off the communication between Bergen and New-York, having received intelligence of it a few days ago.

"I have the honour to be,

"Your most obedient serv't,

(Signed) "Go. Washington."

At length on the 15th of March, the long-expected act was passed. It was, as had been feared, defective in admitting pecuniary composition in lieu of service, and excited much regret and dissatisfaction in the minds both of Washington and Livingston. On the 5th of April, the latter writes to the former, "The act is extremely deficient, and it has cost me many an anxious hour to think how long it was procrastinated, and how ineffectual I had reason to apprehend it would finally prove. My only consolation is, that my messages upon their minutes will show my sense of the matter, and that I was not remiss in the strongest recommendations to construct it in such a manner as would have effectually answered the purposes intended."

This dilatory and inefficient proceeding is one of many instances to prove that a want of energy

is the great practical (almost the only theoretical) defect in governments radically democratic; and yet this tenderness exhibited by the delegate towards his constituents, this unwillingness to enact harsh though necessary laws, is so inwrought into all our institutions, and so inevitably follows from a full and accurate representation, that it is idle to regret it. Few would wish it altered, in order to accommodate the government to those rare emergencies when one more powerful is required.

At this same time, the Legislature, at the recommendation of the Executive, passed another act of a more energetic character, vesting in the governor and twelve members, to be denominated a Council of Safety, certain powers, enabling them to act against the common enemy with greater efficiency during the recess of the Assembly. This act, the duration of which was limited to six months, was highly approved by the zealous whigs; but the summary powers it bestowed upon the Executive soon proved unacceptable to the people at large. In June, 1780, Governor Livingston writes, "The tories are grown so impudent, that nothing but another Council of Safety will reduce them to order."

It may be here mentioned that on the 26th of March in this year, commissioners from six States, one of which was New-Jersey, met at York Town, in Pennsylvania, for the purpose of regulating the price of labour, manufactures, and internal produce.

In this scheme,—one of the many political nostrums, the futility of which an adequate knowledge of the great science of economy would have exposed, and the lineal descendant of which, in our own day, has but just received its death-blow,—Livingston placed some confidence. Governor Trumbull of Connecticut I find, a few years later, perhaps enlightened by experience, expressing a more accurate opinion.*

There was at this period no newspaper published in New-Jersey,† but Governor Livingston had already begun in the periodicals to make his pen subservient to that cause in which he was now completely engrossed. In February, 1777, he published in Dunlap's paper, then printed at Philadelphia, an essay entitled, "The Impartial Chronicle;" satirizing the lying Gazette, edited by Rivington at New-York. This was afterwards republished in Mr. Carey's American Museum. It is the highest and holiest prerogative of literature to identify itself with, and to assist in the propagation of those principles which are making their way over every obstacle, and which are daily enrolling new adherents under their standard.

In an elaborate message of the 28th May, Gov-

* MS. letter to Gov. Livingston.

† At least so far as I can learn. The date of the establishment of the New-Jersey Journal, published at Chatham, by Kollock, I do not know, nor have I seen its files. It was not, however, the State gazette, and it does not appear that its editor had any connexion with Governor Livingston.

ernor Livingston commenced the determined hostility to that portion of the citizens of his State who had embraced the English cause, which, although it provoked their bitterest hostility, and subjected him to great personal inconvenience and danger, he perseveringly maintained throughout the war. On the 5th of June, the Legislature, in compliance with his recommendations, passed an act confiscating all the personal estates of the refugees within the British lines, giving them a certain period of grace, in which, without loss of property, they might renew their allegiance to the State of New-Jersey.

Upon the rising of the Legislature, on the 7th of June, Governor Livingston returned, to the northern part of the State, in the neighbourhood of his family, and there remained, the greater part of the time at Morristown, during the summer; moving about from place to place, as the sittings of the Council of Safety, and the various claims of his office required.

The following letter to him from his son, at this time attached to the northern army, may prove not unacceptable to at least a portion of my readers.

"Tyconderoga, July 3d, 1777.

"Dear Sir,

"I wrote you on the 30th ult., advising you of the approach of the enemy. On the 1st instant, the second division of their army arrived in forty batteaux, about 20 men in each, and landed on the

eastern shore of the lake, opposite the three-mile point. Yesterday they received a third reinforcement in sixty batteaux. They have done little yet of any consequence, but continue playing their old game with the savages. Yesterday in the afternoon a party of these, with some Canadians and a few regulars, in the whole about 250, under the command of Capt. Frazier of the 47th, attacked our picquet guard of 50 men, and drove them in, then advanced, and for a short time kept up a scattering fire on the French lines. Our troops behaved with great coolness and resolution, and after a few shot, made them retire to the woods. The loss the enemy sustained in this little brush is uncertain. We had one lieutenant and five privates killed, and a lieutenant and seven men wounded. These little skirmishes are of infinite service to our troops, who are in general raw and undisciplined. They serve as preparations to an action of the last importance, which we have reason hourly to expect.

"Two Hessians have deserted to us, both very intelligent fellows—they agree that Burgoyne commands the army, and under him, General Riedesel, the German forces. Carleton has staid behind as governor of Quebec, and general of the troops in Canada. They have brought all the Hessians with them, in the whole seven regiments and one battalion, besides four companies of dragoons—their regiments consist in general of six hundred men. Their dragoons are not mounted, but come

in expectation of getting horses at this place. Their supply of provisions is very short, from which it appears they mean a coup-de-main and not a siege.

"We are daily receiving additions to our strength. Col. Warner is expected to-day with 600 Green-Mountain boys. We all hourly look for General Schuyler with a large body of militia from below. The spirits of our men were much raised yesterday with an account of a signal victory gained by General Washington over the enemy. We fired thirteen guns as a feu-de-joie on the occasion, just as we perceived a reinforcement of the enemy coming up. To-morrow we shall give them a salute of the same kind, being the anniversary of the ever memorable, the 4th of July, 1776, on which day we broke off all connexion with slavery, and became the free and independent States of America.

"In a letter of the 26th ult., I told you of my being a patient in the general hospital. I have now the pleasure to inform you, my complaint is removed and my health perfectly restored. In the absence of General Schuyler, I have the honour of acting as aid-de-camp to General St. Clair. You know his abilities too well to be informed of them by me. He is cool and determined, ever vigilant, and unruffled by every appearance of danger.

"I flatter myself with the hopes of announcing to you in a few days the welcome news of the total defeat of the enemy.

"I am, dear sir, with every sentiment of esteem and affection,

"Yours sincerely,

"H. B. LIVINGSTON."

The writer of the above letter, Henry Brockholst, so named after his maternal uncle, the fifth son, and ninth child of Governor Livingston, was born at New-York, on the 26th of November, 1757, and graduated at Princeton College in 1774.

Upon the breaking out of the war in the middle colonies in 1776, and early in the summer of that year, before he had reached the age of twenty, young Livingston entered the army with the grade of captain, and being selected by General Schuyler as one of his aids, he attached himself to the northern department with the rank of major. During this year and the next, he was busily occupied in the duties of his station. Upon Schuyler's departure he became aid to General St. Clair, and was present at the siege of Ticonderoga. On the 30th June, writing to his father, he says, "I cannot but deem myself very fortunate that sickness prevented my return to Albany with General Schuyler, as it has given me an opportunity of being present at a battle in which I promise myself the pleasure of seeing our arms flushed with victory."

These sanguine expectations were disappointed, and he shared in the reverses of his commander. Subsequent to this period, as aid-de-camp of General Schuyler, he devoted much of his time

and attention to the interests of this officer, which were at this time in an inauspicious condition. On the 14th of September, 1777, he writes from Stillwater as follows: "We shall not decamp for Philadelphia as soon as I expected. General Schuyler is at Albany preparing for trial. As he had not much business for me at that place, I obtained his permission to visit this army, and Gen. Arnold having given me an invitation to spend a few weeks in his family, I did myself the pleasure to join him on the 9th instant. Though my duty did not require my presence in camp, my general being at Albany, yet I scorned to take advantage of that privilege at a time when a battle is hourly expected, and joined the army in the character of a volunteer. This is not the first time I have offered my services, trifling as they are, in that capacity. My stay at Ticonderoga was entirely voluntary, as Gen. Schuyler was absent. Skenesborough, Fort Anne, and other places can witness the same. I never screened myself under the cloak of duty. I mention not this by way of boasting, but only to convince you I have been neglected. Gen. Schuyler's recommendations in my favour have been repeatedly neglected. I am happy that I shall soon have an opportunity of leaving the army with honour to myself and family, it being my fixed determination, the moment my general resigns, to leave a service where promotion goes by favour, and not by merit."

While he was thus attached to the northern

army, he shared in the action of the 19th of September, and shortly afterwards returned to his station, in attendance on General Schuyler. About this time he was promoted to a lieutenant-colonelcy.* After a short time spent at Philadelphia, Lieutenant-colonel Livingston was chosen by his brother-in-law, Mr. Jay, then about to sail as minister to Spain, to accompany him as his private secretary. In October, 1779, he received from Congress a furlough for twelve months, and they left the country together, in the frigate Confederacy immediately afterwards. Many of Mr. Livingston's letters written from Spain are still preserved, and they afford full proof of the characteristic activity of his mind. In the early part of 1782, he relinquished his connexion with the embassy and sailed for America.

He was captured on his voyage by a British vessel, and carried to New-York, where he was thrown into prison by the officer then in chief command. Immediately upon the arrival of Sir Guy Carleton, in May, he was liberated, as we shall hereafter see. Very shortly after this he went to Albany, to pursue the study of the law with Mr. Peter Yates, and not long after the evacuation of the city of New-York by the British, in November,

* Henry Beekman Livingston, who reached the rank of colonel, and resigned his commission in January, 1779, served from the year 1775, and the similarity of his initials with those of Governor Livingston's son creates some difficulty in tracing their respective courses.

1783, Mr. Livingston commenced the practice of his profession in that place. He was almost immediately successful, and rapidly laid the foundation of his subsequent fame and fortune. About this period he dropped the use of his first Christian name, and is therefore almost exclusively known by his middle name of Brockholst.

In January, 1802, he took his seat as puisné judge on the bench of the Supreme Court of this State. In 1807 he was appointed associate justice of the Supreme Court of the United States, in the place of William Patterson, deceased. This station Judge Livingston retained till his death, which took place on the 18th March, 1823, while he was attending at Washington in his judicial capacity. The following extracts from an outline of his character, published shortly after his death by a member of the New-York bar, will convey the best idea of this marked and influential man.* This outline was written by one in no way connected with Judge Livingston,—one who is now himself beyond the reach of blame or praise, and of whom it is but little to say, that his pure, elevated, and comprehensive mind could never have stooped to the admiration of any thing low or commonplace.

"Mature in years and ripe in fame and honors, Brockholst Livingston having discharged his obligations to society, has paid his debt to nature. As a judge, his character was very peculiar and

* Vid. N. Y. Evening Post for 24th March, 1823.

strongly marked. He was eminently a man of genius, of strong, vivid, and rapid perceptions; and the frankness of his character always prompted the immediate expression of his convictions. Such a disposition must of course, and not unfrequently, induce mistakes. But here intervened a redeeming principle, resulting from one of the most peculiar characteristics of his happily composed nature. *He seemed to be without vanity.* He did not listen, or affect to listen, to arguments in opposition to his declared opinions merely from official decorum; but his mind was literally and truly open to conviction. Others may have committed fewer errors, but who has left fewer unrepaired? The kindness and suavity of his character were strongly displayed in the discharge of his official duties. At every moment of his life he was an amiable and finished gentleman.

"To say that he was just and impartial, would be low and inadequate praise. He was prompt, laborious, and indefatigable. His own ease and pleasure always gave way at the call of duty. In his intellectual habits he was cautious, but not timid. He looked rather to practical results than to abstract principles. Nevertheless, his feelings and opinions were decidedly of a liberal cast.

"Judge Livingston was eminently gifted with a fine public and social spirit. This temper was displayed in his zealous promotion of all liberal pursuits and institutions. He was a generous patron of literature, and the same spirit diffused

itself through his whole character. It will be gratifying to all the friends of Christianity that the luminous mind of Judge Livingston assented to its evidence, and that he made a public profession of his faith.

"Any sketch of the character of Judge Livingston which did not mention his domestic qualities would be unpardonably imperfect. In all the relations of domestic life—and it is there that a man's true character is best known and its influence felt —he was far above the reach of commonplace considerations. He was ever most affectionate, attentive, and considerate, exacting little for himself, and always consulting the interest and feeling of his family. The main object of his life, at least that which seemed to interest him most, was to transfuse his own knowledge and character into the mind of his children. Every hour that could be spared from his public duties, and more than could well be spared from the time necessary for his relaxation, and the care of his health, was devoted to their education. If his example and precepts have their just influence, they will in some good degree continue to them his presence and supply his loss."

In July of this year, Burgoyne advancing at the head of his army towards Albany, promulgated his famous manifesto, conceived in terms of arrogance and menace, ill calculated to affect the people whom he intended to terrify. In ridicule of it, and to counteract whatever ill tendency it might

have, Governor Livingston published a parody, the broad humour and sturdy whiggism of which was much applauded at the time.

The first notice of an attempt upon Governor Livingston's life or person, except the one mentioned by Galloway* in 1776, which I have found, is in a letter from Elisha Boudinot of the 27th July, 1777. The house in which his family were residing at Percepany was surrounded in the night by a party of refugees, who thought it safest to wait till daylight to secure their prey; but tradition says, that his habits of early rising saved him from becoming a prisoner. His enemies overslept themselves; and when the sun roused them, Governor Livingston, unconscious of his danger, was upon his way to a neighbouring village.

On the 25th of June, 1778, Governor Livingston writing to Henry Laurens, speaks of having been annoyed by these rumors of plots for three months previous, and says, "they certainly overrate my merit, and I cannot conceive what induces them to bid so extravagant a sum, having now raised my price from 500 to 2000 guineas, unless it be that Gen. Skinner† intends to pay his master's debts as he has long been used to pay his own."

These reports, sometimes of attempts upon his liberty, sometimes upon his life, coupled as they were with the well-known rancor of the refugees,

* Vid. Galloway's Tracts.

† The commander of a refugee corps.

the imprisonment of Richard Stockton, and of John Fell,* a member of the Council, both carried off and thrown into close confinement in New-York, during this year, harassed him, made his residence, except when in the vicinity of the army, dangerous, and subjected him to constant and great inconvenience. All his vigilance was necessary, and he more than once escaped but narrowly from his pursuers.

Early in September, Governor Livingston met the Assembly at Haddonfield, and in a speech delivered on the 3d of September, he again urged upon them the defects of the militia law, and a sedulous attention to those measures which the difficult situation of the government demanded. This address, which breathes throughout his determined attachment to the American cause, thus closes, "May you still continue in whatever station it shall please Providence to place you, to exert your endeavours for the prosperity of a free and independent people, and during the whole course of the conflict may our creed be VICTORY, and our motto PERSEVERE."

The following letter from General Dickinson, of the State troops, will show the continual alarms which harassed New-Jersey. The menaces of the enemy were often enough fulfilled to justify constant wariness and apprehension.

* Message of Governor Livingston to the Assembly, 9th May, 1777, and Journal of Congress, 1777, page 3.

"TO GOVERNOR LIVINGSTON.

"Trenton, 16th September, 1777.

"SIR,

"A gentleman this moment arrived from Morristown informs me, that it was expected the enemy would be in possession of the town very soon—that meeting with little opposition from the country, they had divided their forces into three divisions, and intended to ravage the country—under these circumstances, agreeable to the inclination of the officers belonging to Col. Philip's battalion (the only one here), I have ordered him to the eastward. 'Tis said confidently that the enemy are 4,000 strong in this State. The apprehensions of the inhabitants are great. * * *

"I beg an answer to this letter with the utmost despatch, that I may know what orders to leave for those troops that assemble at this place. * * * I must inform your Excellency all the Continental stores from Philadelphia are sent to this place; this the enemy will soon receive intelligence of from their friends. When Philip's battalion paraded yesterday evening, not a single man from the Trenton company appeared. His battalion consists of about 200 men. Col. Reed told me his would not exceed 100 men.

"I wish the Council were not so distant at this critical time. We now feel in the most sensible manner the defects of our militia law; not a mo-

ment should be lost in forming a new one that will compel the men to turn out.

"Your Excellency mentioned the green coats from Staten Island: there are three or four times their number of red ones, 'tis said.

"I am, in haste,

"Your Excellency's most obed't.,

"PHILEMON DICKINSON."

The British forces were already on their way to Philadelphia, and on the 26th of September, Sir William Howe entered that city. New-Jersey was thus for the next nine months completely encompassed by the enemy, and suffered during that time no less on her southern than northern frontier.

So valuable had been the services of Livingston during the critical year now drawing to a close, and so highly were they appreciated by his fellow-citizens, that in November he was re-elected governor by the Legislature, without a dissenting voice. The following extract of a letter from him to General Washington, dated the 21st of November, will give some idea of the urgent necessity then requiring the exertion of all the honesty and energy of the State:—"This evil" (the trade with the enemy), "instead of being checked, has grown to so enormous a height, that the enemy, as I am informed, is plentifully supplied with fresh provisions, and such a quantity of British manufactures brought back in exchange, as to enable the persons concerned to set up shops to retail

them. The people are outrageous, and many of our officers threaten to resign their commissions."

This passage refers principally to the village of Elizabethtown, and writing at a much later period (19th Feb. 1784) to Dr. John Beatty, representative in Congress, Governor Livingston thus speaks of the effect this corrupting and demoralizing traffic had produced upon that place: "Solitary indeed is Queen Elizabeth's namesake to me at present, when instead of my quondam agreeable companions, the village now principally consists of unknown, unrecommended strangers, guilty looking tories, and very knavish whigs."

The following extract of a letter from one of Governor Livingston's daughters, dated 29th Nov. 1777, gives some idea of the practical sacrifices made by the leading whigs:—"K—— has been at Eliz. Town; found our house in a most ruinous situation; Gen. Dickinson had stationed a captain with his artillery company in it, and after that it was kept for a bullock's guard. K—— waited on the general, and he ordered the troops removed the next day, but then the mischief was done; every thing is carried off that mamma had collected for her accommodation, so that it is impossible for her to go down to have the grapes and other things secured; the very hinges, locks, and panes of glass, are taken away."

The Royal Gazette, published by James Rivington, a printer and bookseller in New-York before

the war, and whose establishment was broken up by a sort of revolutionary movement in November, 1775,* was recommenced by him at the same place in October 1777. During the remainder of the contest, it was the leading organ of the British interest, and its pages are now a valuable record of the height to which political and personal rancor was then carried. Against Livingston, the malice of this printer and his correspondents was, in an especial manner, directed. "Spurious Governor"—"Mock Governor"—"Don Quixote of the Jersies"—"Itinerant Dey of New-Jersey"—"Despot-in-Chief in and over the rising State of New-Jersey, Extraordinary Chancellor of the same"—"Knight of the most honourable Order of Starvation, and Chief of the Independents"—such are some of the epithets by which he is most ordinarily designated, and the most infamous charges against both his private and public life are contained in its columns. "If Rivington is taken," writes Governor Livingston, about the year 1780, "I must have one of his ears; Governor Clinton is entitled to the other; and General Washington, if he pleases, may take his head."

To counteract the effects of this journal, Isaac Collins, whom Rivington with a sneer calls "Mr. William Livingston's printer," a quaker, and employed successively by the colony and the State, commenced the New-Jersey Gazette at

* Sparks' Morris. Vol. i. p. 66.

Burlington, on the 5th of December. This paper was subsequently published at Trenton, and again removed to Burlington, and throughout the war was the leading vehicle of information to the whigs. Governor Livingston immediately gave it his countenance and aid, and contributed to it for a long time under the signature of HORTENTIUS. These essays, of which a list is given below, were at the time of great value.* They contributed to

* The following list of Governor Livingston's contributions to the N. J. Gazette, with the dates of the papers in which they are to be found, is inserted for the sake of more convenient reference.

N. J. Gazette of 17th Dec., 1777.—On the exchange of Burgoyne. Hortentius.

24th Dec.—On the Conquest of America. Do.

7th Jan. 1778.—A Satire on Sir William Howe. Do.

21st Jan.—To his Majesty of Great Britain. Do.

28th Jan.—Answer to Mr. Galloway. Do.

11th Feb.—Annotations upon his most gracious Majesty's, of most gracious Great Britain, most gracious Speech. Hortentius.

18th March.—Remarks on Tryon's Answer to General Parson's Letter, and Ex. from Private Letter of Hortentius.

1st April.—Address to his Excellency General Washington, (in blank verse, 105 Lines.) Hortentius.

6th May.—On Lord North's Speech. Do.

9th Sept.—On Reunion with Great Britain. Do.

21st Sept.—On the British Commissioners. Do.

25th October, 1780.—No. I. On the Depreciation of the Currency. Scipio.

1st Nov.—No. II. Same subject. Do.

25th April, 1781.—No. III. Do. Do.

24th Feb. 1784.—On Mr. Sam. Tucker's Delinquency. Do.

2d March.—On Bankrupt Laws. Do.

infuse into the Americans a just idea of their own strength, and to create the conviction, that any ultimate success on the part of Great Britain was impossible. Combining eloquent appeals to the patriotism of the colonists, with the most scoffing ridicule of the menaces and denunciations of the British, they by turns enlisted every feeling which can arm the breasts of individuals or nations against vacillation and fear. These essays were discontinued at one period, owing to a coolness which arose between the editor and Governor Livingston; probably to be ascribed to the insertion in the Gazette of the 27th of October, 1779, of a violent attack upon the latter, signed *Cincin-*

16th March.—On Taxing Bachelors. Scipio.
23d March.—On Restricting the Number of Taverns. Do.
30th March.—On the Liberty of the Press, and on a certain nonsensical Advertisement against Scipio. Scipio.
13th April.—Same subject, part II. Do.
20th April.—Part III. Do.
26th April.—Part IV. Do.
3d May.—Part V. Do.
24th May.—On Payment of Taxes. Do.
14th June.—On the Independence of the Judiciary. Do.
23d August.—Reply to Tucker's Defence. Do.
9th Jan. 1786.—Primitive Whig, No. I.
16th Jan.—No. II.
23d Jan.—No. III.
30th Jan.—No. IV.
6th Feb.—No. V.
13th Feb.—No. VI.
12th June.—On Deism. Hortentius.

natus. They were, however, afterwards reconciled, and at a later period we shall find Livingston again lending the paper his efficient support.

I have thus completed the narrative of the two opening years of the war. It would have been easy to have swelled this portion of my volume with correspondence from the leading men of the day. Perhaps, in this respect, I have already stepped over the legitimate limits of biography. If I have yielded too far to the temptation, it has been with the desire of presenting a more perfect idea of the services of the subject of this memoir.

CHAPTER VIII.

1778.—Letters to, and from, Washington and Laurens—Governor Livingston receives the thanks of Congress for his Examination of the Hospitals at Princeton and Trenton—Poetical *Address* to General Washington—Livingston re-elected Governor in November—Letter from the Baron Van Der Capellen.

During the years 1778 and 1779, Governor Livingston's correspondence was extensive, and perhaps more valuable than at any other period of his life. But nearly all the letters received by him during this time are lost or mislaid, probably owing to his frequent change of residence, and I am therefore obliged to frame this portion of my narrative of extracts from his own letter-books, and such of those letters addressed to him as I have been able to recover from the manuscripts of his correspondents.* The first letter which I have to insert furnishes a strong instance of his unabated ardor in

* I am here particularly called upon to express my obligations to Mr. Sparks, who has laid open to me the invaluable collection of the Washington papers, with his wonted desire to assist any fellow-labourer, however humble, in enterprises kindred to those in which he has himself had such great success; and to Mr. Edward R. Laurens, of South Carolina, to whom, through the kind offices of the Rev. Mr. Gilman, I am indebted for copies from the letter-books of Henry Laurens.

the American cause, and his keen sense of reputation. It seems to refer to some questionable importation of goods made by a subject of the State.

"TO COLONEL SEELY.

"Morristown, 20th January, 1778.

"SIR,

"The Council of Safety agrees that the cargo for Mrs. B. is to be delivered to her—tea and sugar and all, which I think a most destructive precedent, and ruinous to the country, and do therefore most solemnly protest against it, and desire you not to mention it as done by the governor's consent, but by order of the Council of Safety.

"WIL. LIVINGSTON."

Governor Livingston had for some time previous to this corresponded with Henry Laurens, President of Congress, on the subjects respecting which the stations they held rendered intercommunication necessary. Although they were not personally known to each other, their similarity of views on many points, and their equal devotion to the American cause, made it not difficult to substitute for the irksome formalities of an official correspondence, a more friendly tone, and Governor Livingston on the 8th of January, addressed President Laurens a letter, the tenor of which may be sufficiently gathered from the following reply.

PRESIDENT LAURENS, TO GOV. LIVINGSTON.

"27th Jan. 1778.

"DEAR SIR,

"I have but a moment at present for acknowledging, and returning thanks for the honour received in your excellency's favour of the 8th. I shall always reflect upon the tender of Gov. Livingston's friendship as one of the very happy events in my life. I will also sedulously endeavour to retain an acquisition, which feels the more valuable as it came unexpected. But alas, sir, what have I, who am neither a scholar nor a wit, to return in exchange for your polite correspondence? Call me one step beyond the composition of a plain letter of business, and I am gravelled. If, after this frank and laconic declaration, your excellency shall be pleased to take me as I am, and to confirm the late proposition, you will find me faithful, ready to embrace occasions for evidencing an esteem which I had entertained for your character, long before the adventitious circumstance of official addresses had drawn me into your excellency's view. Set me down, therefore, if you please, sir, upon the premised conditions, as one of your humble servants, one who rejoices in the opportunity afforded him of signifying his desire to be sincerely attached to you, and in nothing within the sphere of my capacity will your excellency be deceived, or wilfully disappointed by me.

"If I were to indulge a querulous vein, I should

detain your excellency by a long detail of disorder and distractions in all our public affairs, superadded to the baneful effects of avarice and peculation. Among them, and not the least, the appearance, it would be warrantable to say raging, of a dangerous party-spirit; but I forbear, and will still trust that the States will be awakened from their present lethargy, and again think it necessary to be represented in Congress by men of ability and in sufficient numbers. A most shameful deficiency in this branch is the greatest evil, and is indeed the source of almost all our evils. Admitting that we who are present were all, what truth knows we are not, it would not be possible for 21, often 15, and sometimes barely 9 States represented by units, to discharge with the accuracy and expedition due to all business, the business which is daily presented to Congress,—much less, if that can be, to look into that which has long been in arrears. Hence thousands, I may say millions, have been wasted, and are wasting every day. Hence our American foxes, holding unaccounted millions, have gained time enough to learn, and impudence enough to say, the powers of Congress fall short of compulsive means for bringing them to a reckoning. Besides, we want genius for striking out new matter, for correcting errors and repressing dangerous appearances, by measures wise, silent, and effectual. Your excellency is too well acquainted with the disorders of our domestic concerns; I am sorry to assure you, all our foreign

wear the aspect of mere chance-medley. Hence naked soldiers, death, replete hospitals, desertions and evacuated regiments; hence, too, in my judgment, we are very lightly esteemed abroad, and probably are held up this very instant at auction; part of the conduct of the faithful court of Versailles will justify the suggestion. Is it not from these considerations incumbent upon every man of influence throughout our union, to exert his powers at this crisis, to exhort each State to fill up its representation in Congress, with the best, that is, the most sensible, vigilant, and faithful citizens? At present it seems as if every such man had bought his yoke of oxen, and prayed to be excused. A little longer trifling will fix a galling yoke upon themselves. There is but one thing, I think, can prevent it. Our antagonist is as idle, as profligate as ourselves, and keeps pace with us in profusion, mismanagement, and family discord.

"Some of us, however, should remember the fate of the quarreling curs, and guard against a similar decision, disgraceful and fatal. Methinks I can perceive design in our artful, spurious, half-friends, to come in for at least part of the bone. Perseverance in our present track will oblige us to run in debt more and more abroad; and there are among us some who discover an amazing avidity to do so. Let us be dipped a few millions deeper in foreign debt, means will be easily found for protracting the war, and our flimsy independ-

ency will become abjectly dependent upon those who may either send their ships to collect accumulated interest, and dictate the mode of payment, or may obtain payment, if they prefer it, in Threadneedle-street.—Will sober men rely upon the faith or the benevolence of kings? Has France done one act of kindness towards us, but what has been plumply for the promotion of her own interest? has she not played off our commissioner-ambassadors like puppets? She has bountifully offered us the loan of money, provided we would furnish her with the means for raising it. 'Contract for — hhds of tobacco, in order to help the revenue, and you shall have money.' We have received, and, I believe, spent without any visible profitable exchange, the money, but the tobacco is not shipped. What consequences must follow? Interest, infallibly. Resentment and reprisal, when their policy shall direct. Has not France 'cautiously avoided every transaction that should seem to imply American independency?' have we not been told, that 'every step was taken to gratify England publicly, forbidding American ships with military stores to depart, then privately permitting them, recalling their officers who had obtained leave to go to America, but encouraging them to go in shoals, giving them strict orders that our prizes should not be sold in their ports, at the same time assuring us of their good-will, and intimating that these measures were necessary at present.'——

"Have not we been also told that the French ministry, after reading our Quixotic propositions for a treaty, had said, 'You have not bid high enough,' and that while we were keeping the knowledge of that treaty perfect free-masonry in Philadelphia, Lord Geo. Germain was laughing at it in the Plantation Office?

"These, sir, are old stories, but they are the most recent we have from that quarter. Our late packet from Plasy [Passy?],* thro' the superabundant circumspection of our commissioners, imported nothing more than *charte blanche*. We have been jockeyed out of the original. We have the strongest proof of French perfidy, as well as of British imbecility, and American credulity and puppetism. And yet, sir, we are dreaming on, trusting, as it were, to Providence, to give us this day our daily meed of brown paper, and drawing from France, as from an exhaustless spring, although she has told us in so many words, 'it is† impossible to lend us two millions sterling.' Our agents in the West Indies, without money and even over head and ears in debt. If Congress

* In the letters of Laurens, the words enclosed thus [ ] are not in the original letter-book from which these copies were taken, and are inserted on supposition, to render the sense perfect.

† "It is morally impossible this can be true, and I believe they have already proved it by lending us a larger sum. I am afraid they have; but extending a kindness under a plea of poverty heightens the obligation on one side, and strengthens the claim to grateful and suitable acknowledgments on the other.—H. L."

were full, or even two-thirds full, might we not expect some men in the group who would look into these important matters, and continue means for playing a card against French policy? It is not necessary that we should break off with France. We might make use of her. I am sure it may be done with good effect; but, as I have already intimated, it seems as if every man fit for these great purposes had married a wife and staid to prove her. Sir, I see and lament,—but I can do nothing more than a kind of negative good. I do no harm, and think myself very happy when I can countermine an intended evil. If there be not speedily a resurrection of able men, and of that virtue which I thought had been genuine in 1775, we are gone,—we shall undo ourselves; we must flee to the mountains; but wo to them who have been governors and presidents; who have given orders for borrowing the king's gunpowder, and for suspending the embarkation of his favourite warrior.* Forgive me, sir, I have been deceived in the time, and did not mean to have been so troublesome. I am, with very sincere regard, &c.

"HENRY LAURENS."

At the time the correspondence took place between Washington and Livingston, from which I now proceed to give extracts, the head-quarters of the commander-in-chief were in the State of New-Jersey.

* Burgoyne.

GENERAL WASHINGTON TO GOV. LIVINGSTON.

"Head-quarters, February 2d, 1778.

"SIR,

"I have the honour to acknowledge the receipt of your favour of the 26th ult.

"The recent detection of the wicked design you mention, gives me the most sensible pleasure; and I earnestly hope you may be alike successful in discovering and disappointing every attempt that may be projected against you, either by your open or concealed enemies. It is a tax, however severe, which all those must pay who are called to eminent stations of trust, not only to be held up as conspicuous marks to the enmity of the public adversaries to their country, but to the malice of secret traitors and the *envious intrigues* of false friends and factions. * * *

"You are pleased to intimate that you would take pleasure in recommending, at the approaching session of your Assembly, any hints from me respecting the army, by which your State can advance the general interest; I should be happy in offering any such in my power; but as there is now in camp a committee of Congress, to confer with me at large on the measures proper to be adopted in every respect for the benefit of the army, whatever shall be thought necessary to this end, will of course be communicated to you by Congress.

"I have the honour to be, with real respect and regard,

"Your Excellency's most obedient, &c.

"GO. WASHINGTON."

GENERAL WASHINGTON TO GOV. LIVINGSTON.

"Valley Forge, February 14, 1778.

"SIR,

"I do myself the honour of transmitting you a letter from the committee of Congress now here. These gentlemen have represented the distress of the army for want of provision so fully, and in so just a light, that I shall forbear to trouble you with further observations upon the subject. I shall only observe, that if the picture they have drawn is imperfect, it is because the colourings are not sufficiently strong. It does not exceed our real situation. From your zeal and earnest wishes to promote the service, I am firmly convinced we shall have every relief in your power to give. I should have troubled you before on this interesting and alarming business, had I not supposed Congress the proper body to have been informed, and that means of relief should be under their direction. Not to mention our distress the last campaign, and that we were supplied from hand to mouth, and frequently not at all, from the day Mr. Trumbull left the Commissary's department. This is the second time, in the course of the present year, that we have been on the point of a dissolution, and I know not whether the melancholy event may not take place.

"The subject of horses, too, is so fully explained by the committee, that it is needless for me to enlarge on that head. The advantages derived from a respectable cavalry will strike you at once, and

I have the most entire confidence that you will with pleasure afford any aid in your power to promote our views in this instance.

"I have the honour to be, &c.

"Go. Washington."

"TO GENERAL WASHINGTON.

"Trenton, 16th February, 1778.

"Sir,

"I have received your Excellency's favour of the 14th instant, this day, and that of the 4th a few days ago. * * *

"With your request of the 14th, I shall comply as far as possible, and endeavour to procure tomorrow a resolution of both houses to authorize the President and Council of Safety to impress waggons for a limited time. But these, sir, are very temporary expedients. It is impossible for this State to cure the blunders of those whose business it is to provide the army, and considering what New-Jersey has suffered by the war, I am pretty sure it cannot hold out another year, if the rest will not furnish their proportionable share of provisions; and for my own part, though I would rather spend the remainder of my days in a wigwam at Lake Erie, than in the most splendid vessel of any arbitrary prince on earth, I am so discouraged by our public mismanagement, and the additional load of business thrown upon me by the villany of those who pursue nothing but accumulating fortunes to the ruin of their country, that I

almost sink under it. I do not say this, sir, to discourage you from applying to me at any time for any thing that is in my power to do, assuring you that it always gives me particular pleasure to contribute in the least to alleviate that burden of yours to which mine does not deserve to be compared. I shall pursue the plan pointed out by the committee of Congress for procuring horses, and am, &c.

"WIL. LIVINGSTON."

GENERAL WASHINGTON TO GOV. LIVINGSTON.

"Head-quarters, Valley Forge,
February 22, 1778.

"SIR,

"Your favour of the 16th instant came duly to hand. I cannot but be highly sensible of the fresh proofs given of that zeal which yourself in particular, and the State of New-Jersey in general have so uniformly manifested in the common cause, and of the polite regard you have in repeated instances shown to my applications. I lament the additional load of business heaped upon you from the sources you mention, and earnestly hope, that painful experience will teach us to correct our former mistakes and reform past abuses, as to lighten the burden of those whose whole time and attention are devoted to the execution of their duty and the service of the public.

"I feel with you the absolute necessity of calling forth the united efforts of these States to relieve our wants, and prevent in future a renewal of our

distresses; and the impossibility of answering these purposes by partial exertions. Nothing on my part has been or will be omitted, that may in the least tend to put our affairs upon this only footing on which they can have any stability or success.

"I shall be obliged to your excellency to send immediately to camp the troop of horse you can spare.

"I have the honour to be, with great regard, sir,

"Your most ob't serv't,

"Go. Washington.

"P.S. In terms similar to those addressed to you in my late letters, have I called upon Connecticut, New-York, Maryland, and Virginia, for aid in these our days of distress; but nothing less than a change in the system can effect a radical cure of the evils we labour under at present."

The letters from Washington to Livingston exhibit uniformly the same regard and confidence as are expressed in the above. Under date of the 27th of September, 1779, the former writes, "Your Excellency will be sensible how much the honor and interest of these States must be concerned in a vigorous co-operation, should the event I have supposed happen, and I shall place the fullest confidence in that wisdom and energy of which your Excellency's conduct has afforded such frequent and decisive proofs."*

* MS. letter in N. J. State Library.

"TO GENERAL WASHINGTON.

"Trenton, 2d March, 1778.

"SIR,

"I have received your Excellency's favour of the 22d instant, and am happy to find that the State of New-Jersey possesses so great a share of your esteem, which I hope it will never forfeit by any remissness in such exertions for the general cause as it is capable of making. I am convinced the State is not behind hand with you in mutual regard; and as to the personal friendship of your humble servant, if it is worth having at all, you have it upon the most solid principles of a full conviction of your disinterested patriotism, and will continue to have it while that conviction continues to exist, all the envious intrigues upon earth notwithstanding.

* * * * *

"I have spent three days at Princeton, in pursuance of a resolution of Congress of the 9th inst., to examine into the Quarter-master's and Commissary's department, and find that by removing the supernumeraries, and regulating a few abuses, the £64 10*s.* 3*d.*, which that department now costs the continent per day, to supply about 200 sick with wood and provisions, may be reduced to £21 15*s.* 2*d.* I shall give Congress the clearest proofs of the most unparralleled mismanagement—at this place I expect to find matters full as bad.

* * * * *

"I am, &c.

"WIL. LIVINGSTON."

About this time, in compliance with a resolution of Congress of the 9th of February, Governor Livingston prosecuted an examination, alluded to in the foregoing letter, which he had commenced the preceding year, into the condition and management of the continental hospitals at Princeton and Trenton. At Princeton he removed various officers whom he considered unnecessary, and in relation to the establishment at Trenton, he drew up an elaborate report, as a basis of a reduction of its expenses. On the 11th March, Congress passed a vote of thanks for his care and diligence in effecting the reforms at Princeton.

"TO COL. NATHANIEL SCUDDER, IN CONGRESS.

"Trenton, 20th March, 1778.

"DEAR SIR,

"I am obliged to you for your favour of the 12th inst., and am very happy to find that my proceedings respecting the supernumeraries in the department of Quarter-master and Commissary at Princeton have met the approbation of Congress. From my observation on the conduct of these cormorants here, I believe Princeton will appear a mere paradise to this Augean stable of ———, and every thing that defraudeth the continent. I have not yet been able, upon account of other business, to grasp the besom of destruction and sweep them into official nonentity.

"I doubt not you have your hands full at Congress; your loss here is sensibly felt. Indeed, the

change in both Houses is much for the worse. We have so few members of a turn for business, that the machine of our government moves slower than ever. God grant that their squabbles about the tax bill may not totally clog its wheels. After numberless essays for a coalition, the bill has been finally rejected by the Council, and whether the Assembly will have temper enough to originate a new one, I know not. The taxing of bonds was the great bone of contention, which was at last agreed to by the Council; but with some clause, respecting a deduction for debts due on lands, to which the Assembly would not agree. Terrible will be the consequences if they adjourn without raising a tax. I had rather they should assess any thing, not even excepting laziness and ignorance, which would probably raise a larger revenue than all the rest of our produce.

"The bill for filling up our battalions is also very slow in its movements. They seem terrified at the thought of draughting, and some of them were inclined to memorialize Congress for exempting this State; the disgrace of which, considering the high estimation in which that august assembly hold us at present, would have chagrined me to death. In short, that fatal clause in the constitution respecting a majority of voices, will yet prove our ruin. I can give you no farther news save that our horses live for the most part without provender, and that their masters subsist upon salt provisions.

"I regret with you, Mr. Petit's resignation of his office. Our ill-timed parsimony is a most destructive distemper. * * *

"I shall be glad to hear from you as often as your leisure will permit, and to be favoured with all the communicable news you have. I am, &c.

"WIL. LIVINGSTON."

Scudder, to whom the preceding letter is addressed, although contemptuously spoken of in one of General Lee's letters,* appears to have been a very estimable man. He at an early period embraced the American cause, and for a long time represented the State in the Assembly, and in Congress. His name is affixed to the Confederation of 1778. It was his fate not to live to enjoy the blessings of that independence for which he had contended. He fell in a skirmish with a party of the enemy who invaded New-Jersey in 1781.

The following poetic tribute to Washington is extracted from Collins's Gazette of 1st April, 1778, and is a good specimen of Livingston's serious poetical compositions. The original contains 105 lines, and was published under the signature of *Hortentius*. The affectionate respect which it breathes towards its subject, and which may be traced through most of the author's letters, was deeply implanted in Livingston's breast, and was unobscured by the clouds which at several times hung round Washington's career.

* Charles Lee's Memoirs.

"L'esprit passe, mais la vertu dure," says a French writer, and this confession, not frequent in the mouths of the philosophers of that nation, of the superiority of virtue to mere intellect, is forcibly corroborated when we reflect that even had the most extraordinary instances of the latter never existed, the world would probably have been but little behind where it is now.

Had Columbus never lived, or had the grand fulfilment of his splendid visions not been granted to him, it seems probable that half a century could not have elapsed before the knowledge of the New World would have been supplied by the adventurous roaming of some ignorant mariner. The great work of Bacon would have been accomplished more gradually, but as completely, by the successive efforts of many different, and even inferior minds and characters. Architecture, and the powers of steam are but little better understood at this moment than if Wren and Watts had never lived. Any single extraordinary intellect anticipates by but a brief period, the results which we should otherwise owe to the combined and progressive labours of the many.

But there are times and seasons when intellect alone can do nothing, and when the steadfastness of purpose, the enlarged benevolence of heart, the rectitude of mind, which seem expressly created for the occasion, can be equalled by no efforts, however zealous, of the subordinate many. Such a period was our revolution, and such a man was Washington,—with whom every American eagerly

seizes every opportunity to connect himself; of whom Fox has well said, in few but comprehensive words, that "his virtue was indeed superior to time and place."*

"TO HIS EXCELLENCY GENERAL WASHINGTON.

Say,—on what hallowed altar shall I find
A sacred spark that can again light up
The muse's ardour in my wane of life,
And warm my bosom with poetic flame
Extinguished long—and yet, Oh! Washington—
Thy worth unequalled, thy heroic deeds,
Thy patriot virtues, and high-soaring fame
Prompt irresistibly my feeble arm
To grasp the long-forgotten lyre, and join
The universal chorus of thy praise.
* * * * * *
The arduous task absolved, the truncheon broke,
Of future glory, liberty, and peace
The strong foundations laid, methinks I see
The godlike hero gracefully retire;
And (blood-stained Mars for fair Pomona changed),
His rural seat regain.
* * * * * *
There recolleeting oft thy past exploits,
(Feast of the soul ne'er cloying appetite)
And still assiduous for the public weal
(Incumbent duty ne'er effaced), amid
Sequestered haunts, and in the calm of life,
Methinks I see thee, Solon-like, design
The future grandeur of confederate States
High towering; or for legislation met
Adjust in Senate what thou sav'dst in war,
And when by thousands wept * * * "

* Hist. James II.

PRES'T. LAURENS TO GOV. LIVINGSTON.

19th April, 1778.

"DEAR SIR,

"Nothing is more common than *petit* excuses for delinquency in epistolary correspondence. 'I have been so hurried with business—have not been very well—your letter was unluckily mislaid,' or something or other clumsily introduced to cloak sheer idleness. When these occur in my own line, I smile at my friends' shortsightedness. Never had any poor culprit better ground for building to the utmost extent of his inabilities an elaborate apologetic preface than is at this instant in possession of your Excellency's debtor. He might, without impeachment of his veracity, aver he has discovered the art of uniting liberty and slavery—that for two months past, his masters have confined him, morning and afternoon, often till nine, and even past ten o'clock at night, fixing him immovable for six hours together, to be bated and stared at, giving short intervals for refreshment,—and that [such] as were allowed to him were necessarily devoted to public business, including much trash of incessant application by Frenchmen, and other as light-headed men, who watch his entrance into his room, as keenly as a well-feed bailiff attends the nocturnal excursion of some poor fellow who has been too liberal with his taylor and vintner. I might urge that I seldom write, but when other people are amusing themselves in bed. What becomes of Sunday? That's my day of

rest. I write all day, and discharge half a week's arrears. Will you say you have not more than once toyed away an hour, talking nonsense with the pretty girl above stairs, and sometimes below stairs, since the 26th of February, when you received the governor's letter of the 5th? No, I won't tell a story. But this is my only relief. I am lame, and can neither walk far, nor ride for exercise. 'Tis a much surer and pleasanter means for reanimation than lounging the hour in an elbow-chair, if I had one, cogitating and grumbling upon the cares and labours of the drudge of a political manufactory. But waving further interrogation calculated to ensnare me, let me answer in a word —I have writ oftener by once within six months past to Governor Livingston, than I have upon any subject in my private estate, and perhaps the *seeming* indifference has arisen from the same reflection, I know neither of them will suffer by my silence. Be that as it certainly is, when I am called upon, I ought to answer, and I promise, in return for the very honourable duns which I have lately received, to write, whenever I can lay hold of matter, however concise, which I shall think not unworthy the governor's notice. I will do myself the honour of attending his levee as constantly as possible; should there be an appearance of a little obtrusion now and then in subject or manner, I shall know who will not be to blame.

"'What will you say to yonder long letter under the two short ones?' Maybe, not a word more

at present. 'Tis Sunday, and although very early, I am fatigued, and from the labours of the past week, I feel a sterility upon my natural barrenness. I must get off as well as I can. I'll tell the governor a cock-and-bull story about an important subsisting debate in our club, amuse him with my friend Chief Justice Drayton's speech upon articles of confederation, which, as a special favour, I have obtained for the purpose, add copies of a very honourable correspondence lately held with the fallen hero of River Bouquet,—endeavour to draw his Excellency into a decision of questions upon parliament order, and then conclude by repeating what is as true as any thing ever said by any chief-justice, hero, or parliament.

"Sir, we have, within a month past, improved many whole days, and some tedious nights, by hammering upon a plan for a half-pay establishment for officers who shall continue in the army to the end of the present war. A most momentous engagement, in which all our labour has not yet matured one single clause, nor even determined the leading questions, to be or not to be. The combatants have agreed to meet to-morrow *vis à vis*, and by the point of reason, and by some things proxies for reason, put an end to the contest. I'll be hanged [if] they do.

"Had I heard of the loss of half of my estate, the account would not have involved my mind in such fixed concern as I feel from the introducing of this untoward project. A refusal to gratify the

demand of the officers, will, as we are menaced, be followed by resignations from all those who are valuable. An acquiescence without an adequate provision or douceur, for officers of the militia, as well as for all the soldiery, will be attended by a loss of men, and prove a bar to future energy in those classes. We shall have no army.

"If we provide pensions for one part of the people, from the labour of the other part, who have been equally engaged in the struggle against the common enemy, and who, to say the least, have suffered equal losses, the enormous debt, which will thereby be entailed on posterity, will be the least evil. [The] constitution will be tainted, and the basis of independency will tremble.

"Advocates for the measure say, 'the present pay of the officers is not sufficient to support them in character; their estates are exposed to waste and loss from their personal absence; they might, by various ways and means, from which they are now cut off, improve their fortunes, as their friends and acquaintances are daily doing; you must not confide in that virtue which you talk of, as the cement of the original compact; there is none or very little of such principle remaining. Upon your decision of this great question depends the existence of your army, and of your cause. If you say no, all, all your good officers will leave you.'—This is the substance and amount of *pro. Con* starts,—'The demand is unjust, unconstitutional, unseasonable; a compliance under menaces,

dangerous; the reasoning from the loss of virtue, and insufficiency of the present pay, not convincing. Unjust, because inconsistent with the original compact. Officers were not compelled, but eagerly solicited commissions, knowing the terms of service; loss of estate, neglect of family, sacrifice of domestic happiness, exorbitancy of prices of every species of goods for the necessities or comforts of life, are [applicable] to every citizen in the union, and to thousands who are not officers, with greater force and propriety. Unjust, because without superior merit, officers demand a separate maintenance from the honest earnings of their fellow-citizens, many of whom will have been impoverished by the effects of the war, and rendered scarcely able to pay their quota of the unavoidable burthen of equal taxes. Unjust in the extreme, to compel thousands of poor, industrious inhabitants, by contributions, to pamper the luxury of their fellow-citizens, many of whom will step out of the army into the repossession of large acquired or inherited estate, of some who have accumulated immense fortunes by purloin and peculation, under the mask of patriotism.' 'Tis held possible, by these naughty cons to produce more than one case in point.

"'Compliance with a demand, unjust as it is extraordinary, with a penalty affixed, and delayed till the people are reduced to the awful alternative of losing the army and their liberties, would be dangerous, because it would be establishing a

precedent to the soldiery; because it would be to tax the people without their own consent; because the people would have no security against future arbitrary demands; because the attempt is to deprive the representatives of free-agency, and to reduce that body to a state of subserviency; because it would lay the foundation of a standing army, of an aristocracy. The demand militates against articles of confederation, because it would have a tendency to waste the army by discouraging the militia and yeomanry in general to take the field; abate the fervour of the warmest friends, and invigorate the hopes and endeavours of every class of our enemies,' &c. &c.

"'The assertion of loss of virtue is not admitted as a fact, because the plan originated in a sphere above regimental command, from whence it was easy to roll down the glaring temptation.'

"'Insufficiency of the present pay cannot be admitted, because the remedy proposed is not adequate to relief. Half-pay to commence at a distant period will not supply present wants. Succeed in the first attempt, and by the same means we will compel Congress to augment pay.'

"'If officers withdraw, and the loss of the army and navy are to be consecutive events, by what 'various ways and means' may officers improve their fortunes? Where will be those lucrative employments which it is pretended they now envy? But officers may retire when they please. So may senators; and what then?'

"A whole quire of paper would be too narrow to range in upon this topic. It is fortunate for you, sir, that Gen. Gates, an English newspaper, and two or three members of Congress, stepped in and knocked out of my head more than would have filled another sheet. If I can beg that newspaper, which contains some good things, it shall accompany the other papers. Let me conclude this head by observing, the cons move to postpone the consideration of the plan until the several States shall be fully informed and consulted. Here a strenuous advocate let out the cat. 'No, I am afraid the people will not consent.' What! dare we bind the people in any case without, or against their consent? 'Tis very near akin to binding them in all cases. I must confess the affair, for an affair of such magnitude, has been poorly conducted by the managers.

"A report of the whole, called for in a certain assembly, being the order of the day—read once for information, the first paragraph read for debate, an amendment offered and received, a question on the amendment half-put; a new proposition was started irrelative to the paragraph and amendment,—contrary to general consent, and having a tendency to set aside both. Question—Is it in order to receive and put to vote the proposition?

"A question was moved upon the order. Question—Is the latter motion, or the first, subject for a previous question?

"From what has been said, your Excellency will

collect enough to determine on the article of confusion. That mass of paper lying there, which I lug every day to and fro, would give a more explicit answer on this point than, as I think, becomes me. My own spirits, such as they are, keep in pretty equal tone. Men may bear pain with great equanimity in general, yet be impelled by sudden twitches to bawl out and sigh for a moment.

"Things in public life were in extreme disorder when I had last the honour of writing to your Excellency, and besides, I believe other things in private were as crooked. I fancy I was a-bed in the gout. Some departments, which, as I don't mean to be invidious, I will not particularize, are shifted into more promising hands, and I entertain hopes, if we have an army, it will be better supplied than it has been, with entertainment for man and horse. But take a general view, and the prospect is still extremely mortifying. However, we have lately received acquisition of some abilities, though not half enough, and 'tis pretended the spirit of reformation is at our threshold. My colleague, Drayton, has given earnest of his determination to set his face against fraud in every shape, and to call upon those men who detain unaccounted millions. Thank God, we have other virtuous, sensible men to aid them. I believe things were, at the time alluded to, at the worst. Nothing but complete ruin would have proved the contrary.

"Gen. Burgoyne had reached Rhode Island, and probably embarked about the 5th instant. His arrival in England will produce an excellent fund for polemics.

"The knowing ones here will bet that terms of accommodation will be a prelude to the campaign. I don't pretend to be related to that family, but I expressed the sentiment upon reading the speech of the 20th of November.

"No public good can be derived from spreading such opinions. A plausible pretence to treat in earnest will bring the union into a critical situation, and [it] will demand all the wisdom of the thirteen States to counteract a finesse.

"But for the visit above mentioned, I should have despatched the bearer at 9 o'clock this morning. My chain was broken. I went to church, and have finished in the evening, and ought to be charged one day's expense of the messenger.

"I sincerely wish your Excellency health and safety, being, with the highest esteem and respect, &c. &c

"Henry Laurens."

GENERAL WASHINGTON TO GOV. LIVINGSTON.

"Head-quarters, 22d April, 1778.

"Dear Sir,

"Enclosed I transmit you a Philadelphia paper, containing the draught of two bills introduced into Parliament by Lord North, and his speech upon

the occasion. Their authenticity in Philadelphia is not questioned, and I have not the smallest doubt but there will be some overtures made us, similar, or nearly so, to the propositions held forth in the draughts. You will see their aim is, under offers of peace, to divide and disunite us, and unless their views are early investigated and exposed in a striking manner, and in various shapes by able pens, I fear they will be but too successful, and that they will give a very unhappy, if not a ruinous cast, to our affairs. It appears to me, that we have every possible motive to urge us to exertion. If they are still for war, and of which there can be no doubt, since they are straining every sinew and nerve to levy troops, it behooves us to be prepared. If for peace, our preparations are equally essential, as they will enable us to treat with honour, dignity, and I trust,———to freedom. There are many important concessions in the speech, and which I hope will be improved to our advantage. If your leisure will possibly permit, I should be happy that the whole should be discussed by your pen. "I am, dear sir,

"With great esteem, &c.

"Go. Washington."

"TO HENRY LAURENS, PRES'T. ETC.

"Chatham, 27th April, 1778.

"Dear Sir,

"I am under great obligations to you for your long and agreeable letter of the 19th instant.

which I received yesterday, and considering my prompt pay such as it is, I know you will make an abatement in the price, that is to say, the length of my answer.

"I really pity you amid that multiplicity of business in which you are immersed, but if it should be our good fortune to drive the devils out of the country this summer, as I doubt not we shall, if we exert our endeavours in an humble reliance on the Lord of Hosts, instead of suffering ourselves to be gulled by the —— of Lord North, it will be a very pleasing reflection to us during the remainder of our lives, that we have been instrumental in delivering one of the finest countries upon the globe from that tyranny which would have rendered it like Babylon, an habitation of owls and of dragons. You have my hearty thanks for the loan of the London Evening Post, which I return you according to request. The extraordinary freedom which these writers take in opposing the measure of the ministry, is a happy symptom of the national discontent. North is certainly at his wits' end, and as Hudibras says,

'He that was great as Julius Cæsar,
Is now reduced like Nebuchadnezzar.'

"I hope we shall not be such blockheads as to accede to ridiculous terms, when we have so fair a prospect of obtaining peace upon almost any terms; tho' my good friends in New-York have faithfully promised to cut my throat for writing,

which they seem to resent more than fighting. I have already begun to sound the alarm in our gazette, in a variety of short letters, as tho' everybody execrated the proposals of Britain. Peace I most earnestly wish for, but for Heaven's sake let us have no badge of dependence upon that cruel nation, which so lately devoted us to destruction, and is so precipitately hastening her own.

"If whatever is is right, a fortiori, whatever is by act of Congress must unquestionably be right. But in my private judgment, I should be totally against the plan of allowing the officers half-pay after the war. It is a very pernicious precedent in republican states; will load us with an immense debt, and render the pensioners themselves in a great measure useless to their country. If they must have a compensation, I think they had better have a sum certain to enable them to enter into business, and become serviceable to the community. * * *

"I am, &c.

"WIL. LIVINGSTON."

"TO GENERAL WASHINGTON.

"Chatham, 27th April, 1778.

"DEAR SIR,

"I had the honour yesterday of your Excellency's favours of the 15th and 22d April. * * *

"I am obliged to your Excellency for the enclosures in your favour of the 22d of April. I entertain exactly the same sentiments with you concern-

ing the design and tendency of the bill and instructions—but I hope in this they will be (as in every thing else they have been) disappointed by that Providence which appears evidently to confound all their devices. I should have been very happy to have received Lord North's speech only two days sooner, to have contributed my mite towards some observations upon it, to be inserted in the West New-Jersey Gazette; but it coming too late for that purpose, I must defer it to the succeeding week; though I could wish it was undertaken by an abler hand, and one of greater leisure. To provide, however, some antidote to prevent meanwhile the operation of his lordship's poison, I have sent Collins a number of letters, as if by different hands, not even excluding the tribe of petticoats, all calculated to caution America against the insidious arts of enemies. This mode of rendering a measure unpopular, I have frequently experienced in my political days to be of surprising efficacy, as the common people collect from it that everybody is against it, and for that reason those who are really for it grow discouraged, from magnifying in their own imagination the strength of their adversaries beyond its true amount. * * *

"I have the honour to be,

"With the highest esteem,

"Dear sir, &c.

"WIL. LIVINGSTON."

The following letter is valuable for the picture it presents of the State of New-Jersey at this time.

"TO GENERAL WASHINGTON.

"Morristown, 2d May, 1778.

"DEAR SIR,

"I now sit down to inform your Excellency what number of our militia may be expected to join your army, which after all will, I fear, be in great measure conjectural. With the county of Bergen your Excellency is too well acquainted to want any information. Essex, Middlesex, and Monmouth, are all frontiers, and almost worn out in defending their own borders. The same is the case with Cumberland, a very spirited county—Salem, Gloucester, and Burlington, especially the two latter, abound with tories, and are all exposed to the ravages of the enemy. Morris, Salem, Somerset, and Hunterdon, are therefore the only counties from which we can hope to draw any reinforcements for the grand army; and these supplying their quotas for the defence of our eastern and southern frontiers, I doubt whether they will produce more than 8 or 900 men for the purpose intended. As to arming them I hope there will be no difficulty, because we can take the arms of those who remain at home. If your Excellency intends a grand push, what if you should call the militia from a greater distance? Connecticut, Maryland, Virginia, and New-York, with Pennsylvania and

New-Jersey, would amount to a considerable force.

"I am, with the highest regard, &c.

"WIL. LIVINGSTON."

PRES'T. LAURENS TO GOV. LIVINGSTON.

"6th May, 1778.

"DEAR SIR,

"Affairs have assumed a different aspect from that which appeared when your Excellency writ the letter which I am just now honoured with, of the 27th April.

"I took the earliest opportunity to transmit an abstract account of the intelligence which Congress received from France on the 2d instant, by putting under cover 3 or 4 copies directed to your Excellency [on] the 3d. But I had not time to write a decent syllable. The performance was Mr. Drayton's. I had given him the article relative to the King of Prussia. This has been since questioned, because so interesting a circumstance had not been intimated in the public letter from our commissioners, but I rely on my authority. Mr. Izard writes to me the 16th February: 'The King of Prussia has given the most explicit and unequivocal assurance that he will be the second power in Europe to declare the independence of America.'

"I think myself happy in being entirely of opinion with your Excellency, respecting independence and the half-pay scheme. This last business lags

exceedingly. I believe we wait for auxiliaries. I have no objection against liberal acknowledgments of the service of officers and soldiers—any thing that will not strike at our constitution. But if we can't make justice one of the pillars, necessity will prove a temporary support. We may submit to it at present. Republicans will, at a proper time, withdraw a grant which shall appear to have been extorted. This, and the natural consequences, I dread.

"When the account of the treaties of the 6th February had reached Whitehall, administration were perplexed, they were stunned. I have a letter which may be trusted, informing me that Lord Mansfield, in tears, applied to Lord Camden as a *good man*, to interpose for the salvation of the kingdom. His lordship alluded to his repeated predictions, which had been treated with contempt, and intimated his fears that the door was shut.

"Another letter which I have received from the mercantile line, convinces me [that] the weight of the war lay heavy—that the whole nation was violently agitated. My influence is even asked to prevail upon America to accept the terms intended to be proposed, meaning the conciliatory bills. I don't know that I have a spark of influence. If I had much, the whole should be thrown into the opposite scale.

"I remember something of Dr. Franklin's having proposed to a certain king a plan for reducing a great empire to a small kingdom. The enclosed

Evening Post contrasts to Alfred the Great a certain emperor of a floating island.

"I won't forget to inquire to-morrow concerning the money for the light horse. I am sensible that in numberless instances we improve our talents in the same degree of loss. The mismanagement of our finances, I often lament. Our children will feel the effects. * * *

"HENRY LAURENS."

"TO HENRY LAURENS, PRES'T. ETC.

"Morristown, 7th May, 1778.

"DEAR SIR,

"I have the pleasure of your favour of the 27th ultimo, covering copies of an act of Congress of the 23d inst. The measure may be founded in good policy, and just at this time gave a shock to the enemy; but I conceive it will in this State be far from popular. We have suffered so much from tories, and there is in some of our counties so rooted an aversion against that sort of gentry, that the more sanguine whigs would think it extremely hard to proffer them all the immunities of that happy constitution, which they at the risk of their lives and fortunes have battled out of the jaws of tyranny, while the others have meditated our destruction, spilt our blood, and in all probability protracted the war at least a year longer than it would otherwise have lasted. And as to our heartily forgiving them, I think that will rather require a double portion of the grace of God,

than be effected by a thousand resolves of Congress.

"I am entirely of your opinion that we are now verging towards an important crisis. We have the subtlety of two very politic nations to contend with, and history is full of examples, that people have been deluded by artifice into ruin, when they could not be subdued into it by war. I should think that we ought not to be restricted in the appointment of our plenipotentiaries to any particular district. France and Britain seem to me like two great merchants recurring to America for a market, and I hope we shall not be such blockheads as to sell our commodities too cheap.

"It must be extremely mortifying to the ministry to be obliged to stoop to the minority for their interest with us, to make us relish their terms of accommodation. For the letter from Governor Johnstone must have been procured by downright ministerial coaxing. That gentlemen has too much sense, and is too great a friend to America to think that she ought to have any dependent connexion with such an abandoned degenerate people. I cannot but think that Congress, as well as we little folks, in speaking on this subject, do not appear to be fully possessed of the idea of our independence. We talk and reason as though Great Britain still had some claim upon us. Should we not laugh at any other nation that presumed to pass bills concerning their right of imposing duties upon us, or regulating our commerce? And have

they any more business with us than the Emperor of Morocco? But our affection for the English, from whom we are descended! And why not for the same reason give up our liberties to the Elector of Saxony, as the Saxons are our more primitive ancestors? Let them first withdraw their troops, and think themselves happy if we do not follow them to London—and let us take care to have such an army in the field, as to enable us to talk properly, and to treat with dignity. They will and must come to it, if we insist upon it.'

"I am with the highest respect, &c.

"WIL. LIVINGSTON."

"The following letter is marked by the same enlarged spirit of toleration and sound common sense, which we have seen to characterize the early productions of the writer.

"TO THE REV. MR. JOHN MASON.

"Princeton, 29th May, 1778.

"DEAR SIR,

"I am much obliged to you for your kind letter of the 27th instant, and the favourable sentiments you are pleased to entertain concerning the designs of Providence, in raising me to my present station. May it please God to enable me to answer the honourable expectations of the genuine friends of liberty, and especially the pious hopes of the real friends of Zion.

"To have prefaced the confederation with a

decent acknowledgment of the superintending Providence of God, and his conspicuous interposition in our behalf, had doubtless been highly becoming a people so peculiarly favoured by Heaven as the Americans have hitherto been. But any article in the confederacy respecting religion was, I suppose, never in contemplation. The States being severally independent as to legislation and government, tho' connected by the fœderal league for mutual benefit, were presumed to have formed a political constitution to their own liking, and to have made such provision for religion as was most agreeable to the sentiments of their respective citizens; and to have made the 'law of the eternal God, as contained in the sacred Scriptures, of the Old and New Testament, the supreme law of the United States,' would, I conceive, have laid the foundation of endless altercation and dispute, as the very first question that would have arisen upon that article would be, whether we were bound by the ceremonial as well as the moral law, delivered by Moses to the people of Israel. Should we confine ourselves to the law of God, as contained in the Scriptures of the New Testament (which is undoubtedly obligatory upon all Christians), there would still have been endless disputes about the construction of the —— of these laws. Shall the meaning be ascertained by every individual for himself, or by public authority? If the first, all human laws respecting the subject are merely nugatory; if the latter, government

must assume the detestable power of Henry the Eighth, and enforce their own interpretations with pains and penalties.

"For your second article, I think there could be no occasion in the confederacy, provision having been made to prevent all such claim by the particular constitution of each State, and the Congress, as such, having no right to interfere with the internal police of any branch of the league, farther than is stipulated by the confederation.

"To the effect of part of your third article, that of promoting purity of manners, all legislators and magistrates are bound by a superior obligation to that of any vote or compact of their own; and the inseparable connexion between the morals of the people and the good of society will compel them to pay due attention to external regularity and decorum; but *true piety* again has never been agreed upon by mankind, and I should not be willing that any human tribunal should settle its definition for me.

"I am, &c.

"Wil. Livingston."

"TO GENERAL WASHINGTON.

"Princeton, 29th May, 1778.

"Dear Sir,

"I am quite ashamed of my present application, as it necessarily infers a neglect of duty in those whom I do not choose to blame. It were tedious

to give you a narrative of the fruitless pains I have taken, to have this State supplied with proper magazines of arms and ammunition. But so it is, that we must now either fight without powder and ball, or not fight at all. If your Excellency can possibly spare any cartridges for different bores, I beg they may be ordered, with all possible despatch, to Jonathan Baldwin, Esq. of this place, who has directions to distribute them. If none are to be had from the continental stores, but we can be supplied with lead, I have powder sufficient for the purpose. Thinking it too tedious to procure the lead in this State (of which there is a considerable quantity in the hands of the disaffected), by an act to seize it for the public use, which I recommended to the House this morning. I since procured the resolution, of which the enclosed is a copy, as the only mean I could devise to give us seasonable relief. Our militia appear in high spirits, and I trust they will fight, if they can be equipped for the battle. If your Excellency has a moment's leisure, please to favour me with your conjectures concerning the movements of our old friends, the Britons. I believe they are as much puzzled about the route they intend to take, as we are to discover their intentions.

"With the greatest esteem and warmest wishes for your success,

"I am, dear Sir, &c.

"WIL. LIVINGSTON."

In the latter part of the above letter, the writer refers to the expected march of the British from Philadelphia to New-York, across New-Jersey.

In June of this year, Philip Livingston, brother of the subject of this memoir, died at Philadelphia, where he was in attendance upon Congress as a delegate from New-York. By some he was considered the ablest member of his family, and his death, though it happened at an early period in our revolutionary contest, did not take place before he had intimately connected his name with the history of the country. He was born in 1716, graduated at Yale in 1733, and not long afterwards commenced business as a merchant in New-York. From 1754 to 1762, he was a member of the Common Council of this city, and in 1759, he was returned to the Assembly.

From the commencement of the troubles between the colonies and the mother country, Mr. Livingston took an active and prominent part on the side of the former; and in October 1765, was made a member of the Stamp-act congress convened at New-York, to imbody and organize the opposition of the several provinces to this obnoxious measure. He retained his seat in the colonial Assembly until 1768, when he was made speaker of that body. In 1769, when the ministerial party acquired an ascendency, Livingston was returned from his brother's manor, but his seat was immediately declared vacant on the ground of his being a non-resident of the district which he represented.

In 1774, he was chosen a member of the first continental Congress, and in April 1775, between the dissolution of this body and the assembling of the second, he acted as president of the provincial Congress of his colony. In May he took his seat in the second continental Congress, and the next year affixed his name to the Declaration of Independence. In May 1777, he was chosen a Senator under the new constitution of this State; and in October was again delegated to Congress. He died on the 12th of June, 1778. My limits allow me to make no more than this hurried mention of Philip Livingston, and this meager collection of dates affords but a faint idea of that vigour of conduct, and steadfastness of purpose which gave him in his day, an influence and ascendency to which contemporary history bears full witness.

"TO HENRY LAURENS, PRES'T., ETC.

"Princeton, 18th June, 1778.

"DEAR SIR,

"We can see a mote in our brother's eye when we cannot discern a beam in our own. You may remember I blamed you some time since most *despately* for remaining so long in my debt; and had we then been an appendage of Old England, as in times of yore, I should have been tempted in my wrath to have prosecuted her statutes of bankruptcy against you; and now behold I find myself head-over-heels in debt to you; and what is worse than all, know not how to discharge it, without

turning you into (what I am sure it is impossible to turn you) the unjust steward, who consented to score fifty for ten.

"But by the help of an inch of candle (a very common thing with us since the continental butchers steal all the tallow), and a good glass of wine (a very uncommon one, and like to be so, till we declare war against Portugal), I have just stumbled upon an argument that will melt you into forgiveness, as a *just* steward, and that is, that my late delinquency has not proceeded from idleness, but an incessant engagement in business as a poor humble fellow-labourer, and a very distant co-ope rator with your honour in the same glorious cause, which, blessed be God, and huzza for Louis XVI., promises much fairer to lift its head triumphant over British oppression than it did a year ago. Indeed, sir, I do not eat the bread of idleness, but with the enemy at both of the extremities of the State, a scoundrel pack of tories in the centre, and no inconsiderable number of neutrals and mongrels between that and the periphery of the borders, I can assure you that I have a sufficient choice of troubles; and were it not for an uncommon constitution and a good stock of spirits, or as the song says, a light heart and a thin pair of breeches, I have met with discouragements that might have discomfited a man of much greater natural fortitude. But our present prospect ought to animate the most pusillanimous, and inspire a very coward with magnanimity.

"His Christian Majesty is certainly a very clever fellow, and I drink his health whenever I can get wine to do it in (and that without any scruple about the difference between the French King and the King of France), thinking it an abomination, and highly derogatory to the dignity of Le Grand Monarch, to toast him in toddy. I hope his Catholic Majesty will soon give us an opportunity to express our affection for him in the like sociable manner; and if there be any foundation for the treaty which the English news-writers have fabricated for us in the Mediterranean, depend upon it, I shall not forget the Emperor of Morocco, as great a Mahometan as he is.

"The meandering manœuvres of the enemy, on the evacuation of Philadelphia, appear altogether inextricable. Indeed, did they not generally proceed upon the principle of all mad schemes to adopt the maddest, I should have no idea of their marching through New-Jersey. Nothing less than a double draught of the waters of Lethe can have made them forget the drubbing they received last year for attempting that route, without first applying for a passport. And I doubt not, if they try it again, our militia will be more prompt than ever to receive them with all the proper military honours.

"By the protracted voyage of the British commissioners, they will arrive with the terms of the treaty all ready cut and dried. But I flatter myself that America can negotiate as well as fight;

and if Old England is for employing subtlety in the business, I could select some Eastern sages of sufficient ability so to word any compact as to be capable of twenty different constructions, and all equally plausible with the one that really was the true intent of the parties.

"I am, &c.

"WIL. LIVINGSTON."

The commissioners, the Earl of Carlisle, Johnstone, and others, who came out to the colonies in this year to negotiate terms with them on the part of the British ministry, are alluded to in the above, and several other letters written about this time. Their mission terminated, it is well known, fruitlessly.

In the month of June of this year, at which period we have now arrived, the British left Philadelphia, to return to New-York across New-Jersey. On their route the battle of Monmouth, memorable in more than one point of view, was fought. A severe invective of Collins, the editor of the New-Jersey Gazette, against the conduct of the unfortunate General Lee, occasioned an interchange of letters between that officer and Governor Livingston—that written by the former is unfortunately lost; that of the latter, of the 16th of Jan. 1779, is printed in the memoirs of General Lee.* It is characteristic, and while calculated to soothe the

* Lond. 1792. Rep. N. Y. 1813.

offended dignity of the eccentric man, shows no desire of gratifying his peculiarities of temper, by any sacrifice of truth.*

"TO HENRY LAURENS, PRES'T. ETC.

"Morristown, 23d July, 1778.

"DEAR SIR,

"It is an argument of our depravity, that we are more apt to pray for deliverance in distress, than to be thankful after we are extricated from it. Theology apart, and to speak after the manner of men, such conduct must be acknowledged to be very selfish and ungenerous.

"The miracles which Providence has wrought for us, in our most distressed situation, display the most illustrious proofs of his supreme government of the world, and demand our most unfeigned gratitude, for the continual and astonishing interposition of Heaven in our behalf.

"I was in great hopes, upon the intelligence of our alliance with France, that Congress would have appointed a day of public thanksgiving. The arrival of the French fleet is an additional motive for such a solemnity. Our fields are loaded with a most plenteous harvest, which of

* At the time of the battle of Monmouth, as I am informed by Major Morford, of Princeton, one of the few remains of the gallant band of the revolution, Governor Livingston was at that place; the Assembly, which frequently met at that town, sometimes sat in the tavern now kept by Mr. Joline, and the dancing-room in that building was then, I am told, the Court of Chancery.

itself deserves, as a public blessing, to be acknowledged with public gratitude. Our late successes are great and numerous,—our prospect in future animating and glorious. I cannot but think that such a measure is an indispensable duty, and I dare affirm that it would be extremely agreeable to all pious people, who are all friends to America, for I never met with a religious tory in my life. Among other blessings I am thankful that Mr. Laurens presides over Congress, and that he has been pleased to honour with his friendship his most humble servant,

"Wil. Livingston."

The following extract from a letter written by Governor Livingston from Morristown, 25th July, 1778, to Samuel Allinson, a Quaker, shows how thoroughly the principles of republicanism and equality were implanted in his mind. We shall find his efforts directed to the abolition of slavery rewarded by, at least, partial success at a later period.

"Respecting the slavery of the negroes, I have the pleasure to be entirely of your sentiments, and I sent a message to the Assembly the very last session, to lay the foundation for their manumission; but the House thinking us in rather too critical a situation to enter into the consideration of it at that time, desired me, in a private way, to withdraw the message. But I am determined, as far as

my influence extends, to push the matter till it is effected, being convinced that the practice is utterly inconsistent with the principles of Christianity and humanity, and in Americans, who have almost idolized liberty, peculiarly odious and disgraceful."*

* I insert the following from a memorandum of Governor Livingston, made about this time, to give an idea of his various and perplexing duties.

"Agenda et desideranda by the Council of Safety, to meet at Morristown, Tuesday, 18th August, 1778.

1. Money to be drawn for upon the treasury.

2. The apprehended invasion of Sussex, by Butler's party of tories and Indians. See Col. Westbrook's letter to General Winds, 14th August last.

3. Mr. Mercier to be paid for the flints he purchased in Boston for the use of this State.

4. Part of the flints to be sent for to Princeton, and lodged with Col. Hathaway in Morris.

5. The lead collected by General Winds to be sent for to Elizabethtown, and lodged with Col. Hathaway.

6. Hayne's case.

7. Bergen prisoners committed to Morris jail by Justice Ackerman.

8. Guard at Closter lately commanded by Capt. Haring.

9. Gerrit Rapelye.

10. The robbery committed by C—'s party in Pennsylvania.

11. A— and T. R—, two prisoners at Melston, to be sent to Hunterdon jail. See Sheriff D.'s letter, 11th August last.

12. Recruits from Chambers's battalion.

13. Col. Thomas' case.

14. Prisoners from Sussex."

PRES'T. LAURENS TO GOV. LIVINGSTON.

"21st August, 1778.

"DEAR SIR,

"I was honoured with your Excellency's very obliging favour of the 3d inst., on the 12th; not a day has since passed without an earnest desire in my mind to pay my respects to it, but other employment obliged me, day by day, to say 'to-morrow.'

"We have nothing new from Spain, I mean new to me. Gentlemen not only smiled, but laughed at my ideas expressed while we were reading the treaties with France, that the Spaniard had his eye upon the Floridas and Providence, in order to secure the Straits of the Gulf. My conjecture was founded on seeing the bauble of Bermuda thrown in to us, and not a word said of Bahama. I have lately received strong confirmation of my suspicions. The post of St. Mark's having been withdrawn by the English, a Spanish guard, I suppose from Pensacola, succeeded them. These had a conference lately with our friendly Creek Indians, and in the course of their talks intimated to the savages, that Spain would soon be repossessed of that post and adjacent country. A venerable Don, who lately dined with me, let the cat a little further out. Speaking of the late abortive expedition against St. Augustine, a gentleman observed in French, that East Florida would be a great acquisition to South Carolina and Georgia. My good friend, Don Juan, either unwarily, or

supposing I did not understand, replied with much gravity, 'and also for Spain.' I drank a glass of ale with the Don.

"This I really mean, sir, as a secret, and if we keep it so, the discovery may be applied to good purposes, when we come to treat in earnest.

"I am afraid our present commissioners are not apprized of the immense value to our whole Union of St. Augustine and Bahama, and that too many of us here view the possession in a light of partial benefit. If the lampoon of New-York hurt Gov. Johnstone, W. H. D.'s declaration will not be received as an healing-plaster; this thing, by-the-by, was sadly hurried up; I had been for a fortnight anxiously soliciting my friend out of doors to introduce an act or resolve to the same effect; but through delay, we were necessitated to accept of a stiff performance, without time for proper amendments.

"Your Excellency may not have seen the late remonstrance and requisition of Gov. Johnstone and his colleagues. I shall enclose with this a copy of that, and of Mr. Adam Ferguson's letter which ushered the paper, calculated, as I presume, to retort upon Congress for the late publication signed 'Charles Thomson.' It is impossible they can conceive that Congress will admit their commission for quieting disturbances, founded on a special act of parliament, as sufficient authority for making a 'distinct and explicit ratification of the convention of Saratoga'—or, that it contains a

'proper notification by the court of Great Britain to Congress.'

"Congress have committed their paper; an honour which, in my humble opinion, it is not entitled to.

"The act of the 8th of January has exceedingly embarrassed the wise men of the east. A conformity with the terms will amount to an acknowledgment of our capacity to treat as a nation. Anything below, will imply a continued claim upon us as subjects in rebellion, to which we will not subscribe. Hence the court perceive the dilemma to which she is reduced by a few cunningly designed words, dropped from the pen of her *marionette*, Lieutenant-general John Burgoyne, Esq., who has acknowledged in Parliament that he solely penned his infamous proclamation, and in the same moment declared he had no intention to carry his threats into execution. And it is not to be wondered, that in such circumstances, they instruct their present minions to try the effect of a little ambi-dexterity.

"I am, with high esteem, &c.

"Henry Laurens.

"P.S. I have been long out of humour with the too comprehensive term 'continental,' and have a strong inclination to coin 'confœderal.' If your Excellency has no objection, it shall pass."

PRES'T. LAURENS TO GOV. LIVINGSTON.

"1st September, 1778.

"DEAR SIR,

"Your very obliging favour of the 21st reached me the 25th, and has been ever since lying in my view. A scroll of the same date, which I had the honour of writing, will have informed your Excellency that I was not dead. I have not leisure for attending to a business which we ought to be least concerned about.

"More of my time than usual had indeed been engaged in eating and drinking in that interval of silence which is so kindly pointed to in your Excellency's letter, and as I make it a rule never to neglect my duty, a faithful discharge had encroached largely upon hours which are generally passed on the pillow; this excluded much of my satisfaction in private correspondence, but the honeymoon is over. We have slacked into an easy trot again, and Mr. Gerard is an excellent, sensible, sociable neighbour, and conducts his visits without that formality which is an interruption to a drudging president. I presented, a day or two ago, Governor Livingston's compliments to him: he longs to see you; and I, sir, shall think my paper correspondence realized by the honour of your Excellency's company. Upon my honour, sir, I have many things to say, which ought to be said, and which I would attempt to say as properly as loudly, were I not exactly in the station I am.

"I do assure you, sir, our circumstances are

truly deplorable. I would touch gently on profligacy of time and treasure, upon connivals or collusion, folly or tyranny, especially when I meant to impute any or all these to a person whose bottom of heart was good, or where the innocent might suffer for the errors of the mistaken, as soft a term as I can think of. But 'tis high time to pursue measures for the protection of those innocents, who are kept in an implicit belief that all is solid gold because of the much glistering—a worm in one night destroyed the mansion of Jonah.

"Mr. Deane, late one of our commissioners, has been near two months with us. We know too much, and yet I almost fear we know nothing of our affairs in Europe. I do not mean hence to impute blame to Mr. Deane; he has complained heavily to me in private of inattention on our part * * * * serious matters, entre nous.

"Three hours, my dear sir, have I been writing (not studying one second what I should write), these two pages;—perpetual influx of personages of all sorts this morning, as if people had determined I should never write to Governor Livingston again. The finger now points to 9. I must fly to be in the way of my duty, although experience has taught me I shall have squandered an hour and an half when I enter upon it.

"For your Excellency's amusement, entertainment, and information, I shall send with this copies of curious papers, which I have just received from Messrs. les Commissioners, who, as the merchants

express, have discarded one partner, and opened a house under a new firm. In the language of an old fellow, I say, *had my advice been followed at Yorktown*, we should have preserved our dignity, given satisfaction to our constituents, and have been free from the impertinent attacks of these people. Mr. Johnstone's declaration in particular, cannot escape in New-Jersey the correction it deserves, when the proper time shall come, of which due notice shall be given; it ought to be bated everywhere.

"I go now to see whether we can with good grace recover the ground on which we stood on the last fast-day, 22d of April. Adieu, dear sir.

"I am, with much affection and respect, &c.

"HENRY LAURENS."

"TO HENRY LAURENS, PRES'T., ETC.

"Princeton, 17th September, 1778.

"DEAR SIR,

"I have very little faith in dreams; but whenever those unaccountable visions of the night make so strong an impression upon the sensorium, as that I can recollect in the morning whole paragraphs and pages of what I dreamed, or read, or heard while asleep, I always commit them to writing for the sake of observing the difference between one's sleeping and waking vagaries; and as the former with respect to myself may at this time of life be full as sensible and entertaining as the latter, I take the liberty to send your Excellency

my last night's dream, which, to prevent any suspicion of wilful defamation, and recollecting that during the reigns of the Roman emperors, many a poor fellow was capitally punished for dreaming about his superiors, I shall communicate to nobody but yourself.

"Methought a little fairy, ten thousand times as handsome as the most beautiful tory lady in Philadelphia, with her top-gallant commode, stood at my bed-side (she must either have come through the key-hole, or a broken pane of glass, as I am positive the door was locked), and delivered me a paper with the identical words contained in the enclosed, and then instantly vanished without uttering a syllable except—*but virtue is its own reward.*

"'FACTS.

"'The largest return of the army commanded by Major-General Sullivan in his attempt against Rhode Island, never amounted to ten thousand men; so that the militia of the eastern States which joined him could not have exceeded five thousand men.

"'To join his Excellency General Washington in his pursuit of the enemy thro' New-Jersey, the firing of a tar-barrel, and the discharge of a cannon, instantly collected four thousand of our militia in the time of harvest, to co-operate with the grand army.

"'The eastern volunteers, which composed great part of General Sullivan's army, returned home before his retreat.

"'The Jersey militia continued with General Washington till the enemy was routed, and their assistance no longer necessary.

"'General Sullivan seems rather to complain of the eastern militia's *going off, and reducing his numbers to little more than that of the enemy.*

"General Washington declares his deep sense of the service of the New-Jersey militia, *in opposing the enemy on their march from Philadelphia, and for the aid which they had given in harassing and impeding their motions, so as to allow the continental troops to come up with them.*

"'The honourable the Congress, by their resolve of the 10th instant, declare their *high sense* of the patriotic exertions made by the four eastern States on the late expedition against Rhode Island.

"'But

"'By no resolve did Congress ever manifest *any sense* of the patriotic exertions of the State of New-Jersey in twice putting the enemy to rout, in their march through that State, with nearly their whole army.

"'*Oberon, Chief of the Fairies.*'

"I am, with the highest respect, &c.

"WIL. LIVINGSTON."

To the complaint made in this fictitious dream in behalf of the State of New-Jersey, Laurens sent the apparently satisfactory reply alluded to in the following letter; but unfortunately I have not been able to obtain it.

"TO HENRY LAURENS, PRES'T., ETC.

"Princeton, 9th October, 1778

"DEAR SIR,

"Our Assembly being dissolved by the constitution, and the act constituting our Council of Safety expired by its own limitation, I stand some chance of seeing my family at last, and perhaps the devil and the tories may so manage their cards at the ensuing election that I may have no avocation to leave it in future. I am much more pleased with the old man's dream *amended*, than I was with the original, and the conclusion I like extremely. With great delicacy to Congress, and putting a new plume in the cap of liberty, the old gentleman must escape the censure of the most severe. Your Excellency has by this time seen (the last I know not whether I can say, considering that some people make more dying speeches than one, but) the second dying speech of the British commissaries. Does not the very pomposity of the vellum, and the grandeur of the types and margin strongly operate towards your conversion? No! why then I am sure the matter will not. * * * Thanks to their Excellencies, however, for the quantity of waste paper with which they have furnished me under the denomination of proclamations, and the excellent tape which surrounded the packets; of both which I stood in most lamentable need. Conceiving that they would afford very little edification to the several bodies in this State, civil, military, and ecclesiastical, to which they were

directed, I have made prize of almost the whole cargo, without any lawful condemnation in the Admiralty, with felonious intent to convert them to my own private use. His majesty's arms, however (having in days of yore heard so much about the Lord's anointed), I shall carefully separate from the rest of the sheet, and apply to the embellishment of my little grandson's kite—and oh! for the vellum original, signed and sealed with their Excellencies' own proper hands and seals, I'll certainly lay it up in lavender, that if I am hanged at last, my latest posterity may know that it was through downright love of hanging, after having refused so gracious and unmerited a pardon on repentance, with so grim frowning a lion at the top, denouncing the royal vengeance in case of contumacy.

"I am, dear sir, &c.

"WIL. LIVINGSTON."

On the 31st of October, Livingston was re-elected Governor by thirty-one votes, General Dickinson receiving seven.

"TO THE BARON VAN DER CAPELLEN, HOLLAND.

"Trenton, 30th Nov., 1778.

"SIR,

"Having the greatest reason to believe that the Dutch nation, as well as the rest of Europe, has been most egregiously deluded by the artifices and misrepresentations of the English emissaries, respecting the contest between Great Britain and

America, I could not refrain from embracing so favourable an opportunity as that which is now presented me by Col. Dirck's return to Holland (who leaves a very favourable character behind), to address you on that important subject. What has imboldened me thus to obtrude myself upon you without introduction is, the honour and esteem you have acquired in America, by your spirited speech on that memorable occasion, when you appeared the only friend of injured innocence, and the only advocate for persecuted liberty."

* * * * *

Governor Livingston gives a short sketch of the contest in America, and then proceeds.

"Ours was really an opposition justified by the principles of self defence, entered into with the greatest reluctance, and sanctioned by the most unavoidable necessity. It was seriously, it was conscientiously entered into. Nor was it stimulated by the arts and influence of any popular leaders (as our enemies affect to represent the matter), but originated from the people at large, and at once, who, as a certain historian describes them upon another occasion, *omnes confluxere quasi ad extinguendum commune incendium.* It was the people who rendered it unpopular, and even dangerous for men of rank and fortune not to join, to assist, and to serve them in the defence of their liberties. And those whom our enemies call the leaders of the people are in reality no other than men appointed by the people (from a persuasion

of their superior abilities), to manage the public affairs, and whose offices are determinable by the same authority which bestowed them; and many of whom would rather have been excused from encountering the danger and the trouble to which they exposed themselves. This, sir, you may depend upon as fact, and of this you are at liberty to avail yourself as occasion may require in the most public manner. * * *

"There is another deception, sir, into which many gentlemen of Europe have been led by the artifices of the British ministry, and thereby discouraged from giving that countenance to the cause of America which their love of liberty and indignation against wanton oppression would otherwise prompt them to give. I mean that a reverse of fortune during the war will induce us to surrender our independence, and submit to our old master! As it is impossible for mortal ken to penetrate the womb of futurity, it is impossible for us certainly to know that such an event will never take place. But of all the improbabilities in the world, it is one of the most improbable; and I should as soon persuade myself that we shall in some future period of time surrender ourselves the willing slaves to the emperor of Morocco or Japan. The spirit of the Americans is inflexible, their resources are inexhaustible, their aversion to the British monarchy is irreconcilable, their army numerous and well disciplined, and their several political constitutions the idol of the people, and calculated to perpetuate freedom to

the remotest generations. Besides all this, their struggle is, to all human appearances, near its close, with the fairest prospect of final triumph. Now, sir, is the time, if haply not already elapsed, for Holland, once the scourge of tyrants and the asserter of liberty, to avail herself of a share of the emoluments of our commerce, by showing her affection for a people whose sufferings have been so similar to her own, and whose national glory will shortly not be inferior.

"If the present opportunity is neglected, the time may come when their high mightinesses shall wish they had, at least, been the second power in Europe that acknowledged the independence of America.

"From my affection for *het Vaderland* (political considerations apart), I could wish for a friendly connexion between the old and the new Netherlands, being by parentage at least three-quarters of a Dutchman myself. But I hope neither of us are moved by such accidental distinctions, and partial inducements, but are possessed of hearts capable of embracing all mankind, and sympathising with every part of the human species that groans under the iron rod of tyranny, in every region of the globe. If by any of the preceding facts (upon which you may depend as indubitable truths), I should be instrumental in removing any prejudices which you may have imbibed against America, by the misrepresentation of its adversaries; or if I should have furnished you with any hints which

may tend either to your entertainment or use, I shall think myself most happy.

* * * * * *

"I have the honour to be, sir,
"With the greatest esteem and respect, &c.
"WIL. LIVINGSTON."

Of the person to whom the preceding letter was addressed, Mrs. Warren thus speaks.*

"None of the principal characters among the Batavians were more zealously interested in the success of the American struggle for independence than Robert Jasper Van der Capellen, Lord of Marsch. This worthy Dutchman, as early as December, 1778, had solicited a correspondence with several of the most prominent characters in America. He was a zealous supporter of the American claims, and predisposed many of his countrymen to unite cordially with them, and enter into treaties of amity and commerce previous to the arrival of a minister at the Hague."

Mrs. Warren apparently confounds Robert Jasper with Johan Dirk,† his uncle, who answers exactly to the above description. He is mentioned by Belsham‡ as zealously opposing the British in-

* Hist. Am. War, ed. 1805, chap. xvii. pp. 273–4.

† The entire address of this nobleman as it stands in Gov. Livingston's letter-book, is as follows—"Johan Dirk, Baron van der Capellen, Seigneur de Pol, Membre du Corps des Nobles d'Overyssel à Zwol dans les Provinces Unies."

‡ Vol. iii. p. 420.

terest in the States General, prior to the war between Holland and that country; and the following extract from the reply to the above letter, may be found interesting, as throwing light upon the character of this public-spirited man.

"TO GOVERNOR LIVINGSTON.

"Amsterdam, 6th July, 1779.

* * * * * *

"Though I have already taken up too much of your Excellency's attention, I must be indiscreet enough to occupy it a moment longer with a word concerning my own situation. I have taken the liberty to give Governor Trumbull a short account of the unprecedented manner in which my enemies have endeavoured to drive me from the government. Your Excellency must permit me to send herewith a printed statement of every thing that concerns me: an unknown friend having done me the honour to think that my expulsion might be interesting to posterity, has collected under the title of *Capellen Regent*, in the order of time, all the events relating to it * * * What relates to the *Droosten Diensten* begins at page 54, and the following may serve to elucidate the subject.

"The government in the province of Overyssel is composed of the body of knights (into which every nobleman of ancient descent, provided he possess the requisite age and property, is admitted), and the magistrates of three cities. The knights have one-half of the votes, and the cities the other half, for the assembly of the States. The

nobles are members of the diet (*Landdage*), by right of birth, but the magistrates of the cities are appointed every year by the Prince of Orange as hereditary stadtholder, according *to his pleasure.* The stadtholder disposes of all civil and military offices. The principal posts out of the cities, in the Low Countries, can be filled only by noblemen. Among the persons holding these offices there are five who administer justice in the Low Countries, who execute the laws, and are at the same time members, yes, and principal members of the States General, which is with us the highest legislative authority.

"These five are called *Droosten*, and exercise a very extensive sway over the inhabitants, who in former times were compelled to serve these *Droosten* two days in the year with all manner of service, as slaves. This custom was abolished in 1631, but it was afterwards revived, though the salaries of these officers had been greatly increased, with an understanding that they would not exact the service of the people. The city of Zwol, in the year 1766, made a further effort to free its inhabitants from this yoke; this proving unsuccessful, I espoused the cause of my oppressed fellow-citizens with more ardent sympathy, as may be found by my speech (page 77). The result was, that the knighthood of two cities becoming outrageous, instituted legal proceedings against me, and in the mean time have, *via facti*, excluded me from the Diet.

"Upon this I addressed myself to the prince, as stadtholder and head of the judiciary, but to no purpose. My opponents now changed their mode of attack, and said no more of judicial proceedings, in which they had no hopes of success; but my lord the stadtholder proposed, and the knighthood immediately assented to the proposition, that the only question submitted for adjudication should be, what amount of satisfaction I should give to be restored to the government. In opposition to this I presented a memoir, not yet printed, and which I shall take the liberty of sending to your Excellency, wherein I urged, in the strongest terms, that my accusers should commence a suit against me, which I might defend according to law, and that the decision of an impartial judge should bind both parties; but this was a favour I could not obtain. They refused me the privilege, not denied even to a malefactor, viz. to be judged according to the laws of the land.—In one word, I am excluded from all share in the government.

"The efforts which I am still making to be restored to my share of it, arise only from a sense of honour. Formerly I had the happiness to lead a quiet, obscure, and private life; but for the last seven years I have experienced all the bitterness of public contests, and a fish cannot long for the water more than I desire to make my retreat from the political world in a becoming manner, and to spend the rest of my life (being now forty years

old) free from all tumult. The only wish I form is to do this in happy America, but alas, this my situation forbids. I hope yet to visit that fortunate country, but the pleasure of making it my abode is denied me. If I can serve it with my tongue or pen, be assured, sir, that I shall omit no opportunity of so doing. A specimen of these efforts may be found in Doctor Price's preface to the edition of my translated works.

"The opinion of the nation, concerning my removal from the government, may be seen in the pamphlets sent herewith; the indignation on the subject of the treatment I have received is incredible.

"I have, &c. &c.

"J. D. Van der Capellen."*

In a subsequent letter, this true-hearted Hollander exclaims, "May the good God grant that the efforts to bind America and our republic together as sisters may succeed, and the counsels of the traitors who endeavour to prevent it may be brought to nought."

* The original of this letter is in Dutch, and errors may have crept into the translation, for which I am indebted to a friend, from the unfamiliarity of the subject, which would not have been committed by one more acquainted with the intricate internal structure of the government of the Netherlands.

CHAPTER IX.

1779—Extracts from Governor Livingston's Correspondence—February—Attack upon his house—Letters from Hamilton and Washington—1780—May—British Orders for capture of Governor Livingston—Incursion of the Enemy into New-Jersey—Attack upon Livingston's house—His insufficient Salary—Letters.

The loss of nearly all Governor Livingston's correspondence belonging to 1779, compels me to continue the mode adopted in my narrative of the preceding year. The following letter well exhibits the resolute spirit which had defied the previous hardships of the arduous contest, as yet far from a close. It is addressed to the correspondent whose name has already occurred on these pages.

"TO THE REV. MR. CHAUNCEY WHITTELSEY.

"Elizabethtown, January 1st, 1779.

"Dear Sir,

"I have received your kind letter of the 10th of last month, accompanying a copy of your election sermon, for which I return my hearty thanks, and upon which I set a particular value, as well on account of my friendship for the author, as the intrinsic merit of the composition itself. Happy, sir, thrice happy should I be to have my administration answer your devout wish expressed in the

sublime language of your text! It is indeed a *critical time*, and it requires uncommon abilities and address to discharge an office of such importance and so great confidence, with proper activity and prudence, much greater, beyond question, than I can pretend to be master of. But I have in so remarkable a manner been supported from above through a more laborious scene of business than my constitution was equal to in the prime and vigour of my life; and been preserved from so many dangers both from intestine and foreign enemies, to which my station, and the opinion they were pleased to entertain of my consequence to our cause, constantly exposed me, that I should think myself worse than an infidel not to acknowledge the conspicuous finger of Heaven, or to be unimpressed with a deep sense of God's gracious assistance and superintending Providence. I have been enabled to despatch more business for the two years last past, than ever I did before in double the time, with the advantage of all the strength and vivacity of youth (when yet I did not think myself an indolent man), and that without a moment's bodily indisposition or lassitude, and with an almost uninterrupted flow of spirits; and all this amidst the deprivation of a thousand of those comforts and conveniences which long habit had taught me to consider as the necessaries of life, without being in the least affected with the loss. But it is high time, sir, to apologize for so much egotism, which I assure you nothing could have extorted from me

but the strong obligation I feel of recounting, upon all proper occasions, such manifest proofs of the Divine goodness, and the pleasure which I presume from our former connexion (and I hope our present friendship), you will participate with me in the grateful recollection.

"I hope the scoundrels will not pester us with another campaign; but if they are incorrigibly determined by continuing to war against us, to war against common sense, and every maxim of sound policy, until they plunge themselves into irremediable ruin, *fiat.* I believe the spirit of America is as inflexible, and the aversion to British tyranny as irreconcileable as ever; and I doubt not the same strong hand and outstretched arm that hath conducted us thus far, will lead us to complete and final triumph. They have, from very probable accounts, taken 30 Dutch vessels bound to the West Indies, with French manufactures, which I hope will inspire their high mightinesses with too much resentment to be douceured with compliments, or to be stifled by three pair of Dutch breeches.

"I wish you, my dear sir, many happy years, and a most successful ministry—I shall always be glad to hear of your welfare, and not a little proud of your correspondence; and am, with the most sincere respect, &c.

"WIL. LIVINGSTON."

The following letter is from the subject of this Memoir to his nephew.

"TO WALTER LIVINGSTON.

"Elizabethtown, 2d January, 1779.

"DEAR SIR,

"It is but a few days since I had the pleasure of receiving yours of the 20th of November. * *

"Should the passing a law of the like import by your State be attended with the consequences you seem to apprehend, it would doubtless be most advisable to defer the measure; but of the probability of such an event I do not pretend to be a competent judge. The scoundrels have, however, shown themselves capable of actions still more atrocious and infernal. For our act, at least for the substance of it, I was an advocate. But the circumstances of the two States are not altogether similar. In the instance you mention, in which you are certainly exposed to peculiar destruction, they differ greatly. But to give any explicit opinion on the subject, I have particular reasons for declining, or I should do it with great alacrity.

"Remember me very affectionately to your good father, and tell him that I was most inexpressibly rejoiced to hear that he so manfully resisted the solicitations of some of his pretended friends, who, from the influence which they flattered themselves they had over him, attempted to take the advantage of his declining years, and seduce him into a compliance with the terms of the British proclamation, for which they deserve to have their throats cut. Had they succeeded in their infamous manœuvre, such an inglorious dereliction of

the common cause by the head of the family would have pierced me to the heart; and distressed me more than any disaster that ever befell me. I hope the thieves will evacuate New-York before next spring, and not protract their unconscionable incivility of debarring one from a dish of fryed oysters. With my compliments to cozin Livingston,

"I am, &c.

"Wil. Livingston."

The blended respect and affection with which the writer of the above letter refers to his brother Robert, the proprietor of the manor, as 'the head of the family,' is a striking specimen of the peculiar feelings sometimes resulting from the establishment of primogeniture, and which we frequently see strongly illustrated in that citadel and bulwark of by-gone theories, the English aristocracy.

About this time occurred one of those circumstances which sometimes so curiously diversify the aspect of the 'horrid front' of war. On the 28th of February, a party of British troops from New-York landed at Elizabethtown-point, under the command of Colonel Stirling; their objects being to take Governor Livingston, whom they expected to find at his residence; and to surprise the force under Brigadier-general Maxwell, stationed in the village. Dividing their numbers accordingly, one detachment burst at the dead of

night into Liberty Hall, crying out for 'the damned rebel Governor!' Livingston had, however, very fortunately left home some hours before, and was at this time sleeping at a friend's house a few miles distant.

After ascertaining positively that he was not in the house, the British officer demanded his papers. All his recent correspondence with Congress, Washington, and the state officers, which would have proved a valuable prize, was in the box of his sulky, standing in the parlor. His daughter, however, with great presence of mind, appealed to the officer as a gentleman and soldier, represented to him that the box contained her private property, and that if it were protected she would show him what he wished. A guard being accordingly placed over it, the men were led into the library, where they filled their foraging bags with old law papers of no value. After many menaces of violence and threats of setting fire to the house, they finally departed, without securing the only plunder which would have rewarded their efforts. Joining the other division of their force, which had been equally baffled in its object, they burned one or two houses in the village, and then fell back to New-York.

With reference to this predatory invasion, Governor Livingston addressed a letter to Sir Henry Clinton, then commanding at New-York, and the answer of the British officer drew forth a reply. This correspondence was published, and may be

found in the gazettes of the day. Clinton's share of it affords a striking instance of that arrogance and insolence which marked the bearing of the English civil and military agents during the war, and is the counterpart of that conduct which in later days has done so much to alienate the affections of Americans from the channel which they would naturally seek. Thus ignorance and ill-nature become truly formidable, and thus great nations are compelled to atone for the sins of paltry individuals.

To this period also belongs an incident which is so strongly illustrative of the character of several of the agents of the revolution, that I cannot refrain from allotting to it considerable space. Some ladies residing in New-York, friends and relatives of Governor Livingston's family, applied to his daughter to use her influence with her father to obtain for them leave to pass a short time with her in New-Jersey. Miss Livingston knowing her father's rules on this subject, and well aware of his inflexibility to such applications, addressed herself to Alexander Hamilton, then an aid-de-camp of General Washington, with a request that he would procure the requisite permission from the commander-in-chief. To this application Hamilton returned the following answer.

"TO MISS LIVINGSTON.

"I can hardly forgive an application to my *humanity*, to induce me to exert my influence in an

affair in which ladies are concerned; and especially when you are of the party. Had you appealed to my friendship, or to my gallantry, it would have been irresistible. I should have thought myself bound to have set prudence and policy at defiance, and even to have attacked *windmills* in your ladyship's service. I am not sure, but my imagination would have gone so far as to have fancied New-York an *enchanted castle*—the three ladies so many fair damsels ravished from their friends, and held in captivity by the *spells* of some wicked magician—General Clinton a huge giant, placed as keeper of the gates, and myself a valorous knight, destined to be their champion and deliverer.

"But when, instead of availing yourself of so much better titles, you appealed to the cold, general principle of humanity, I confess I felt myself mortified, and determined, by way of revenge, to mortify you in turn. I resolved to show you, that all the eloquence of your fine pen could not tempt our Fabius to do wrong; and avoiding any representation of my own, I put your letter into his hands, and let it speak for itself. I knew, indeed, this would expose his resolution to a severer trial than it could experience in any other way, and I was not without my fears for the event; but if it should decide against you, I anticipated the triumph of letting you see your influence had failed.

"I congratulate myself on the success of my

scheme; for though there was a harder struggle upon the occasion, between inclination and duty, than it would be for his honour to tell; yet he at last had the courage to determine, that as he could not indulge the ladies with consistency and propriety, he would not run the risk of being charged with a breach of both. This he desired me to tell you, though, to be sure, it was done in a different manner, interlarded with many assurances of his great desire to oblige you, and of his regret that he could not do it in the present case, with a deal of stuff of the same kind, which I have too good an opinion of your understanding to repeat.

"I shall therefore only tell you, that whether the governor and the general are more honest, or more perverse, than other people, they have a very odd knack of thinking alike; and it happens in the present case, that they both equally disapprove the intercourse you mention, and have taken pains to discourage it. I shall leave you to make your own reflections upon this, with only one more observation, which is, that the ladies for whom you apply would have every claim to be gratified, were it not that it would operate as a bad precedent.

"But before I conclude, it will be necessary to explain one point. This refusal supposes that the ladies mean only to make a visit and return to New-York. If it should be their intention to remain with us, the case will be altered. There will be no rule against their coming out, and they will be an acquisition. But this is subject to two pro-

visos—1st, that they are not found guilty of treason, or any misdemeanor, punishable by the laws of the State, in which case the general can have no power to protect them; and, 2dly, that the ladies on our side do not apprehend any inconvenience from increasing their number.

"Trifling apart, there is nothing could give me greater pleasure than to have been able to serve Miss Livingston and her friends on this occasion, but circumstances really did not permit it. I am persuaded she has too just an opinion of the general's politeness not to be convinced that he would be happy to do any thing which his public character would justify, in an affair so interesting to the tender feelings of so many ladies. The delicacy of her own ideas will easily comprehend the delicacy of his situation—she knows the esteem of her friend,

"A. Hamilton.

"The general and Mrs. Washington present their compliments.

"Head-quarters, March 18th."

About this time I find Governor Livingston contributing, under the signature of *Hortentius*, to the United States Magazine, published by Hugh Brackenridge, at Philadelphia. But not long subsequent to this period, several members of the Legislature expressing their dissatisfaction that the chief magistrate of the State should contribute to the periodicals, he discontinued his communications

altogether, and appears to have written nothing for the press for several years.

"TO MR. ANTHONY BLEECKER.

"Trenton, 1st May, 1779.

"SIR,

"I enclose you one dozen fish-hooks, and should have strictly pursued your orders as an honest factor, by sending you three dozen as per invoice, but that they are advanced to the abominable price of half a dollar a-piece. Indeed I was almost deterred from buying any, but that I thought you and the other gentlemen fishers would not choose to be totally debarred from the sport for the sake of a few dollars, especially as you can sell your trout at a proportionable advance.

"I have no news to write you, but that about 70 of our militia have drove between 6 and 800 British troops from Middletown, quite to their boats; and the latter never pretended to make a stand, except by just facing about on every advantageous spot, and giving one volley, and then again prosecuting their flight.

"We have hitherto proceeded so slowly in our legislative capacity, that I fear we shall sit out all the trouting season; but I must give our Assembly one huzza for having voted a tax of a round million, not of dollars, sir, but fair honest pounds of twenty shillings to the pound. With my compliments to Mrs. Bleecker,

"I am, &c.

"WIL. LIVINGSTON."

FROM GENERAL WASHINGTON.

"Head-quarters, Middle Brook,
4th May, 1779.

"DEAR SIR,

"I have received the honour of your two letters, both of the 1st instant.

"I have generally been so happy as to agree with your Excellency in sentiment on public measures; but an instance now occurs, in which there happens to be a difference of opinion. I am extremely apprehensive that very disagreeable consequences may result from an increase of the standing pay of the militia. It would create an additional cause of discontent to the soldiery, who would naturally draw a comparison between their situation and that of the militia; and would think it very hard and unjust that these should receive for temporary services a greater reward than they for permanent ones. This would occasion disgust and desertion, if not mutiny, among those already in the army; and would be a new discouragement to others from entering into it. The only remedy would be to augment the pay of the soldiery to an equal sum, and the like must be done in the other States to their militia. The addition of public expense would then be excessive, and the decay of our credit and currency proportional.

"Your Excellency will agree with me that every step should be carefully avoided which has a tendency to dissatisfy the army, already too little pleased with its condition, and to weaken our

military establishment, already too feeble, and requiring every prop our circumstances will afford to keep it from falling into ruin!

"I should imagine the militia of the country is to be drawn out by the authority of the government, rather than by the pecuniary reward attached to their service; if the former is not sufficient, the latter I apprehend will be found ineffectual. To make the compensation given to the militia an inducement of material weight, it must be raised so high as to bear a proportion to what they might obtain by their labour in their civil occupations; and in our case to do this, it must be raised so high as, I fear, to exceed the utmost stretch of our finances.

"But if it is thought indispensable to increase the emoluments of service, in order to bring out the militia, it will be best to do it by a bounty rather than a fixed monthly pay. This would not be quite so palpable, nor strike the minds of the army with the same degree of force. But even this is a delicate point, and I have uniformly thought the large bounties which have been given in State enlistments, and to the militia, have been a very fertile source of evils, and an almost irreparable injury to the service.

"I have taken the liberty to communicate my sentiments on this subject with great freedom to your Excellency, as it appears to me a matter of extreme importance; and as I have the most entire confidence in your candour and friendship.

If my objections do not appear valid, you will at least ascribe them to their proper motives. I shall, agreeable to your Excellency's wish, continue the troops, or the principal part of them, at their present stations, as long as it can be done without interfering with the main object. I believe it will be a few days beyond the period limited in my former letter. * * * * *

"From the general complexion of the intelligence from England, and from that of the minister's speech, of which I have seen some extracts in a New-York paper of the 1st instant, there is in my opinion the greatest reason to believe, that a vigorous prosecution of the war is determined on; considerable reinforcements have been frequently mentioned as coming over to Sir Henry Clinton. This by many is discredited; but to me it appears so probable as to demand our most serious attention. While England can procure money she will be able to procure men, and while she can maintain a balance of naval power, she may spare a considerable part of those men to carry on the war here. The measures adopted by Parliament some time since, for recruiting the army, were well calculated to succeed; and the information we have received justifies the belief that it has been attended with no small success. Under these circumstances prudence exacts that we should make proportionable exertions on our part; and I assure your Excellency the situation of our army demands them. I am sorry to find our pros-

pects of a reinforcement are extremely slender. The Virginia levies intended for this quarter are now of necessity ordered to the southward; few of the States have as yet done any thing that has come to my knowledge towards augmenting their battalions. This discouraging aspect of things justifies no small degree of anxiety and alarm. I confess, my feelings upon the subject are painful. I am persuaded, sir, you will be ready to promote every measure which may be found practicable for completing the battalions of this State, and I beg leave to recommend the matter to the most particular attention.

"With every sentiment of regard,

"I am, dear sir, yours, &c.

"Go. Washington."

"TO GENERAL WASHINGTON.

"Trenton, 8th May, 1779.

"Dear Sir,

"I have received the honour of your Excellency's favour of the 4th instant, and am very far from differing with you in sentiment 'that the militia of the country should be drawn out by the authority of the government, rather than by the pecuniary reward attached to their service.' This has always been my opinion, and I have used my utmost exertions to get our militia upon that footing; but it is a matter rather to be wished than expected, as our Legislature have uniformly manifested a disinclination to use any compulsion. And

when it is considered that the five shillings per day which they have added to the pay of the militia, is not equal to what they have lately done for the standing troops, I flatter myself that it will not be attended with the disagreeable consequences which your Excellency apprehends. The truth is, that the militia have of late been so extremely backward to come out in the monthly service, that without some addition to their past allowance, it was universally apprehended that our frontiers would be entirely left to the mercy of the enemy; but for the reason your Excellency assigns, I wish it had been by way of bounty, instead of augmentation of wages.

"The confidence your Excellency is pleased to place in my friendship affects me with inexpressible pleasure. I hope, sir, you will never have reason to think it misplaced; and your friendship in return, which indeed so bought is too cheap a purchase, I shall always consider as the greatest felicity of my life. The communication of your sentiments in the freest manner, upon any public measures, I shall not only esteem an honor done me, as a convincing mark of your confidence, but shall ever endeavour to improve them to the public emolument, which I am sure will be the only motive which suggests them.

"Our political stupor and security, owing to our last year's successful campaign, or thirst for the mammon of unrighteousness, is truly lamentable, and I am entirely of your Excellency's opinion that

there is the greatest reason to believe, that a vigorous prosecution of the war is determined on the part of the enemy. The slowness of our progress towards completing our quota of your reinforcements affects me with unspeakable chagrin; and I can assure your Excellency, that I do not lose a day without exerting myself to accelerate the motions of some gentlemen, who ought not to want a prompter to that indispensable measure.

"With every sentiment of esteem I have the honor to be, dear sir, &c.

"WIL. LIVINGSTON."

FROM GENERAL WASHINGTON.

"May 22d, 1779.

"SIR,

"The situation of our affairs at this period appears to me peculiarly critical; and this, I flatter myself, will apologize for that anxiety which impels me to take the liberty of addressing you on the present occasion. The state of the army in particular is alarming on several accounts; that of its numbers is not among the least. Our battalions are exceedingly reduced, not only from the natural decay incident to the best composed armies; but from the expiration of the term of service for which a large proportion of the men were engaged. The measures heretofore taken to replace them, so far as has come to my knowledge, have been attended with very partial success, and I am ignorant of any others in contemplation that

afford a better prospect. A reinforcement, expected from Virginia, consisting of new levies and re-enlisted men, is necessarily ordered to the southward.

"Not far short of one-third of our whole force must be detached on a service undertaken by the direction of Congress, and essential to the interests of these States. I shall only say of what remains, that when it is compared with the force of the enemy, now actually at New-York and Rhode Island, and the succours they will in all probability receive from England, at the lowest computation, it will be found to justify very serious apprehensions, and to demand the zealous attention of the different Legislatures.

"When we consider the rapid decline of our currency, the general temper of the times, the disaffection of a great part of the people, the lethargy that benumbs the rest, the increasing danger that threatens the southern States, we cannot but dread the consequences of any misfortune in this quarter; and must feel the impolicy of trusting our security to the precarious hope of a want of enterprise and activity in the enemy.

"An expectation of peace, and an opinion of the enemy's inability to send more troops to this country, I fear, have had too powerful an influence upon our affairs. I have heard of nothing conclusive to authorize the former, and present appearances are in my opinion against it. The accounts we receive from Europe uniformly an-

nounce vigorous preparations to continue the war at least another campaign. The debates and proceedings in Parliament wear this complexion. The public papers speak confidently of large reinforcements destined for America. The minister in his speech asserts positively that reinforcements will be sent over to Sir Henry Clinton, though he acknowledges the future plan of the war will be more contracted than the past. Let it be supposed that the intended succours will not exceed five thousand men, it is unnecessary they should be more, if the strength of the enemy be well-directed and our situation not materially altered for the better.

"These considerations, and many more that might be added, point to the necessity of taking every step in our power to complete our battalions without delay, and to make our military force more respectable. I thought it my duty to give an idea of our true situation, and to urge the attention of the States to a matter in which their security and happiness are so essentially interested. I hope my concern for the public safety will be admitted as the motive and excuse for my importunity.

"There is one point which I beg leave to mention also; the want of system, which has prevailed in the clothiers' department, has been a source of innumerable evils. Defective supplies, irregular issues, great waste and loss to the public, general discontent in the army, much confusion and per-

plexity, and an additional load of business to the officers commanding, make but a part of them. I have for a long time past most ardently desired to see a reformation. Congress, by a resolve of the 23d of March, has established an ordinance for regulating this department. According to this, there is a sub or state clothier to be appointed by each State. I know not what instructions may have been given relative to these appointments; but if the matter now rests with the particular States, I take the liberty to press their completion without loss of time. The service suffers amazingly for want of order and regularity in this department, and the regulations for it cannot possibly be too soon carried into execution.

"I have the honour to be, &c.

"Go. Washington."

"TO MISS CATHARINE LIVINGSTON, IN PHILADELPHIA.

"Raritan, 9th August, 1779.

"Dear Caty,

* * * * * *

"The complaisance with which we treat the British prisoners, considering how they treat us when in captivity, of which you justly complain, is what the Congress can never answer to their constituents, however palliated with the specious name of humanity. It is thus that we shall at last be humanized out of our liberties. Their country, their honour, the spirits of those myriads who have fallen a sacrifice to the severity of their

treatment by the enemy, and their own solemn oath, call upon that august assembly to retaliate without farther procrastination.

"I know there are a number of flirts in Philadelphia, equally famed for their want of modesty as want of patriotism, who will triumph in our over-complaisance to the red-coat prisoners lately arrived in that metropolis. I hope none of my connexions will imitate them, either in the dress of their heads or the still more tory feelings of their hearts. * * *

"I am, your affectionate father,

"WIL. LIVINGSTON."

The "odd knack of thinking alike" of which Hamilton speaks in a preceding letter, with reference to Washington and Governor Livingston, I find verified on the subject of retaliatory measures upon the British. The imprisonment of Asgill, and the execution of Andre, afford indeed signal instances of the opinions of the commander-in-chief on this subject.

"TO MR. JOSHUA WALLACE.

"Mount-Holly, 9th November, 1779.

"DEAR SIR,

"If I could send you any news, I should do it with pleasure; and to *make* it, you know, is the prerogative of Mr. Rivington. * * *

"My enemies have been so much disappointed at the last election for governor, that with all their

groundless slanders, and the dirty libel they published against me, they could only muster 9 negatives to 29 affirmatives—I would not mention this, which is rather a personal concern of my own, were it not that I have of late had so much reason to consider myself as part of the family, that I am vain enough to flatter myself that both you and Mrs. Wallace (to whom you will present my respects), take some share in my concerns.

"Tell Master Joshua that I intend to kill a squirrel for him, as I touch at your house on my journey homewards, if the Assembly does not sit so long as to excite the British to send some Simcoe* express to fetch me to New-York.

"As to Master John, who is rather too young to comprehend a message, please to give him for me a kiss.

"I am, &c.

"WIL. LIVINGSTON."

The following letter from Governor Livingston to his daughter in Philadelphia, refers to the recent departure of Mr. and Mrs. Jay, accompanied by his son Brockholst Livingston, for Spain, where the former gentleman had been sent in a diplomatic capacity, and the latter attended him as his private secretary.

* Lieutenant-colonel Simcoe had been despatched a short time before this from New-York to make an inroad into New-Jersey, and was I believe taken prisoner.

"TO MISS CATHARINE LIVINGSTON.

"Mount-Holly, 16th November, 1779.

"DEAR CATHARINE,

* * * * * *

"As we have not yet heard of the safe arrival of our friends on board of the Confederacy in the port of New-York, I hope they have got such an offing as to be out of the tract of the copper bottoms. I am obliged to Mr. Morris for his promise of giving me the earliest intelligence of their arrival in France. I hope his business with the four quarters of the globe will not efface it from his memory. I have already suffered more anxiety on their account than I should have imagined I could be affected by on *any* account. The tenderness of a parent's heart can never be known till it is tried. The death of Mr. Hewes is a public loss. He was an honest man. A greater scarcity in these times than even hyson or double refined.

"The enemy are collected in great force on Staten Island; and if they don't burn my house, I shall think them still greater rascals than ever; as I have really endeavoured to deserve that last and most luminous testimony of their inveterate malice. They ought never to forgive a man for being faithful to his trust. But we are at present in such a situation, that they cannot travel far into New-Jersey, nor stay twenty-four hours in it, without exposing themselves to a severe drubbing. * * *

"I am, &c.

"WIL. LIVINGSTON."

"TO THE REV. DR. JOHN LIVINGSTON.

"Mount-Holly (you will never find it in any map), 24th November, 1779.

"DEAR SIR,

* * * * * *

"Baron Van der Capellen's letter to me contains very important intelligence respecting the disposition *von het Vaderland* towards the cause of America, and the most proper measures to be adopted for establishing our interest in that republic. Of this the Congress might very essentially avail themselves if they would abandon their little party attachments, and instead of spending their time about trifles, apply themselves in serious earnest to business.

"I am exceedingly happy to learn from Van der Capellen's letter, that one of mine to him containing a true state of our situation, and calculated to remove all the prejudices which the British agents were instilling into the minds of the Hollanders, and which he caused to be translated into Dutch (and which he caused to be dispersed through all the Seven Provinces), had a most astonishing effect. It was indeed intended for the purpose of creating a political ferment among the *mobility*, and you may be sure I did not forget to touch upon the glory of their ancestors in a similar cause, and their having so long been the scourge of tyrants, and the assertors of liberty; nor, according to the advice of the logicians, reserving the strongest argument for the last, did I

forget to conclude with the *argumentum ad Batavum*, trade.

* * * * * *

"I am, with great esteem, dear sir,

"WIL. LIVINGSTON."

The Legislature of New-Jersey was at this time in session at Mount-Holly, in Burlington county, where they had removed, as Governor Livingston says, from considerations of economy, and the date of the preceding and a subsequent letter seems to refer to his vexation at his compulsory residence there.*

"TO HENRY REMSEN.

"Mount-Holly, (you will never find it in any map), 29th November, 1779.

"SIR,

"I am much obliged to you for your agreeable favour of the 19th. The intelligence I have from Baron Van der Capellen is, in general, very favourable. But much will depend on Congress pursuing proper measures to engage the Dutch in our interest. They have been shamefully neglected, and in point of American intelligence, have been

* Before the revolution, Burlington was the residence of the governor of the State, the place where the Assembly sat, and the shire town of the county; but after a long struggle for the doubtful honors of the jail and court-house, the city of the Cæsars yielded her supremacy, and Mount-Holly is now the metropolis of Burlington county.

kept in the profoundest ignorance. Congress may greatly avail themselves of some facts which I shall suggest to them from my illustrious correspondent, but then they must mind their business, and not enter into parties about the Deanes, the Lees, the Paines, and the devil knows what! My respects to all the New-Yorkers in Morristown, who for their own sakes, and not mine, I really hope, and have reason to believe, will be restored to their native country by next spring.

"I am, &c.

"WIL. LIVINGSTON."

FROM GENERAL WASHINGTON.

"Morristown, 7th December, 1779.

"DEAR SIR,

"You have both obliged and answered me by your communication of the 27th. I have not seen the piece to which you allude, but I should be much surprised had you been suffered to escape without paying a tax so ancient and customary. When one is overrated in this way, it is very natural to complain or to feel disgust at the ingratitude of the world; though I believe with you that to persevere in one's duty, and be silent, is the best answer to calumny.

"We are all in your debt for what you have done for us in Holland. I would flatter myself from the reception of your correspondence, and the superior advantages which our commerce holds out to the Dutch, that we shall experience

in a little time the most favourable effects from this quarter. I know not how to think of the invention of Mr. Sayres. It appears a very extraordinary one. I can only wish that the thing may be practicable, and that we may have it in our power to be the first to give it patronage, and to profit by what it promises.

"Your favour of the 1st, I had the honour to receive yesterday. We have taken up our quarters at this place for the winter. The main army lie within three or four miles of the town. If you are called to this part of the country, I hope you will do me the honour of a visit.

"I am, dear sir, with great respect, &c.

"Go. Washington."

"TO W. C. HOUSTON, IN CONGRESS.

"Mount-Holly, 13th December, 1779.

"Dear Sir,

* * * * * *

"As far as I am individually concerned in the publication of Mr. ———, to which you lately alluded, or as far as I can suppose he was induced to insert the libel from any private animosity against me, I do not think it worth my notice, either as in the least injurious to my character, or as published by him from motives of doing me personal prejudice. But I have for some time past suspected Mr. ———'s whiggism, as wholly resolvable into self-interest, and I cannot think that a real whig, and one so particularly acquainted as he is

with my unremitted application to serve the public, could have thought it his duty for a nameless author to insert such a piece. In short, the *man* I can easily forgive—but the *tory* never.

"I am, &c.

"WIL. LIVINGSTON."

It is proper to state in reference to the person alluded to in the above letter, that Governor Livingston was afterwards reconciled to him.

Subsequent to the year 1779, the MSS. of Governor Livingston are more complete, and although less valuable and interesting than during the early period of the war, I shall let them occasionally speak for themselves.

In the spring of the year 1780, Governor Livingston, owing to the difficulty of giving to his children any proper education, during a period of general internal disorganization, and "from a view to the public interest, which requires our navy to be officered by the children of respectable families,*" procured for his youngest son, John Lawrence, a midshipman's commission, and entered him in the service of that establishment, destined at a later day to support the dignity and increase the reputation of the American name. The following is an extract from the directions given him by his father at their parting.

* Letter to R. R. Livingston, 19th April, 1780.

"DIRECTIONS TO SON JOHN LAWRENCE.

"19th April, 1780.

* * * * * *

9. [It was at first intended that the young man should go out in a merchant vessel, preparatory to his entering into active service, and this section refers to this plan.]

"When you are obliged to associate with the common mariners, I would have you act towards them with becoming familiarity and freedom, without assuming any airs of superiority on account of your connexions; but * * * but I would by no means have you enter into their vulgarisms and low-lived practices, for which they themselves will rather despise you; and above all, that you most carefully avoid contracting that abominable custom, so common among seamen, of profaning the name of God by oaths and imprecations.

* * * * * *

11. "Whenever you lay in any port, inquire as you have time and opportunity into the following particulars respecting the country, viz.—1, its soil and produce—2, manufactures and trade—3, government—4, curiosities—5, religion; but particularly into the principal articles of their exports and imports, and their duties or customs on merchandize, and also what articles among them are prohibited or contraband. And enter the substance of all your information on the above heads, in a book kept for that purpose. * * *

12. "I must press upon you to be saving of your money, and not to spend it unnecessarily. If you do not observe this direction, you will find by woful experience that you have rejected the most salutary advice. From the diminution of my estate by the depreciation of the currency, you and your brothers must expect to make your fortunes by your own industry and frugality. * * * But when I advise you to be saving of your money, I do not intend that you should ever appear mean and niggardly, nor grudge little expense upon proper occasions, when you must either part with your money or appear contemptible; as when you are necessarily engaged in company, and they go rather farther in the expenses of the club than you could wish: in such case and in others that will occur, one must sometimes conform against his inclinations, to save his character, and afterwards make it up by retrenching some other expenses and a greater economy.

"And now, my dear child, I wish you a safe voyage, with prosperity in this world, and everlasting happiness in the next; and to secure the last, which is of infinitely the greatest consequence, oh! let me entreat you not to forget your Creator in the days of your youth, but wherever you go, to remember your duty to the great God, who alone can prosper you in this life, and make you happy in that which is to come."

The young officer went out in the Saratoga, a vessel so named in honour of the victory of Gates,

and made one or two successful cruises. In the course of the next year, however, the ship was lost at sea, and no tidings were ever received of the fate of any individual on board. The death of his son afflicted Governor Livingston, immersed in business as he was, extremely. He long clung to the belief that the vessel was captured, and with this hope caused inquiries to be instituted in all the principal ports of Europe. Among his latest correspondence, in the year 1790, is a letter from Mr. Jay in answer to one of his, on the subject of a rumour that his son was a prisoner in Algiers.

The alarms of invasion by the British, and of attempts by the refugees, or scouting parties of the enemy, upon the person or life of Governor Livingston, appear to have been incessant about this time; and the following orders given on this subject deserve notice, as showing that however violent might be the plans of the refugees, the designs of the English authorities were dictated by a spirit compatible with civilized warfare.*

"TO ENSIGN MOODY,

"First Battalion New-Jersey Volunteers.

"Head-quarters, New-York,
May 10th, 1780.

"SIR,

"You are hereby directed and authorized to proceed, without loss of time, with a small detach-

* These orders are printed from a copy among Governor Livingston's papers.

ment into the Jerseys, by the most convenient route, in order to carry off the person of Governor Livingston, or any other acting in public stations whom you may fall in with in the course of your march, or any persons whom you may meet with, and whom it may be necessary to secure for your own security and that of the party under your command.

"Should you succeed in taking Governor Livingston, you are to treat him according to his station, as far as lies in your power, nor are you upon any account to offer any violence to his person. You will use your endeavours to get possession of his papers, which you will take care of, and upon your return deliver at head-quarters.

"By order of his Excellency, Lieutenant-general Knyphausen,

"GEO. BECKWITH,
"Aid-de-camp.

"I do certify the above to be a true copy from the original.

"J. LAWRENCE, JUN.
"Capt. N. Y. State Levies."

On the 6th of June, the British made an incursion by Elizabethtown into New-Jersey, in considerable force. Pushing the license of war to the extreme, they burned the villages of Springfield and Connecticut Farms, within a few miles of Livingston's seat, and marked the line of their advance

by plunder and destruction. The day sufficiently conspicuous in its horrors, has been rendered even more notorious by the cold-blooded murder of Mrs. Caldwell. The feelings of Governor Livingston, who was at Trenton with the Assembly, on receiving this intelligence, may be best understood from the following letter to his wife, who, with two of her daughters, had but a short time previously left the residence which she had occupied at Percepany, in Morris county, and returned to Elizabethtown, solely with a view to the security of the property, which she conceived, and as it proved rightly, her presence might have the effect of ensuring.

"Trenton, 9th June, 1780.

"My Dear Susan,

"Though I never have had any express from head-quarters concerning the irruption of the enemy, yet by all accounts they have penetrated the country as far as Springfield, and I am told have burnt and destroyed all before them. My anxiety for you and the children has been inexpressible, and I have had a most miserable night of it upon your account. Our house and every thing in it is doubtless gone, the loss of which, great as it is, I should be able to bear with fortitude, but the thought of your situation, and that of the poor girls, cuts me to the heart. I should have sent before to know how it is with you, but that my express was unfortunately gone on a journey, and that I

every moment expected an account from head-quarters.

* * * * * *

"Pray, my dear Sukey, write me a full account of what you have suffered, and I will sympathize with you till I can revenge it upon the British scoundrels.

"WIL. LIVINGSTON."

His alarm was, however, unfounded—the flames of the neighbouring villages were in sight, but the British respected Liberty-hall, and treated the family with great courtesy. The following extract relating to this event, from Rivington's Gazette of the 29th June, 1780, furnishes a good illustration of the tone assumed by the loyalists towards the whigs.

"MR. PRINTER,

"By inserting the underwritten paragraph, you will oblige a customer and loyal subject, though humane herself, thinking that lenity may go too far. Your new female correspondent expects to see your obedience to-morrow. 'Tis true in every particular.

"We are informed, from undoubted authority, that on the return of the British allies, detached on the expedition to Springfield in the Jersies, last Friday, the 23d instant, the Hon. Lieutenant-colonel Cosmo Gordon, commanding the first battalion of British guards, received, at the head of the

brigade, a ball on the upper part of his thigh from the fields of the back part of the house of the rebel Governor Livingston; most probable his own servants, or tenants, keeped up the fire which struck the very person who in the morning made a civil visit, with three or four of the officers of the corps, and received a rose from Miss Susan L., as a pledge of protection, and a memorandum of a request of a safe-guard to save the house from a fate the well-known sins of the father made it justly merit; though even at that period inhabited by two ladies, so amiable in appearance as to make it scarcely possible to suppose they are daughters of such an arch fiend as the cruel and seditious proprietor of the mansion. It is a well-known fact, that there was a guard to protect the house, during the continued fire on the column from the fields all around, and that the vermin followed the royal troops from the vicinity of the Congress governor's horse, keeping a continual galling fire, till the rear passed the orchard in Elizabethtown, and the advanced Jager videttes awed them back to their grateful and humane master's house and farm.

"New-York, June 29, 1780."

The following note, to Governor Livingston's daughter, may also be inserted, as connected with the same event. The writer was wife of the minister at Connecticut Farms.

"DEAR MISS,

"The families that are burnt out are principally widows; the rest are removed to such a distance, that were there any probability of their accepting your proposal, we should not know where to find them; but were they to be spoke with, such are their apprehensions that they would not come for any considerations whatever. I pity your situation with my own—may a gracious God direct and defend us, and oh! that our trust may be in Him.

"From yours, respectfully,

"A. HOIT.

"Sunday, one o'clock."

An anecdote connected with this invasion has been traditionally preserved, which appears authentic in its leading features, although there is some discrepancy in its details. After a day spent in the utmost alarm, caused by the constant passage of the enemy's troops, immediately in front of their residence, and the sight of the flames of Springfield and Connecticut Farms, Mrs. Livingston and her daughters were agreeably surprised by the entrance, late in the evening, of several British officers, who gave them to understand that a retreat had commenced, and that they would pass the night in their house. Secure in having under the same roof gentlemen and officers who would protect them from any bands of lawless stragglers, the ladies retired.

About midnight, however, they were alarmed by

a noise, which proved to be occasioned by the departure of the officers, hurried off by unexpected news. Their disturbed rest was soon after completely broken up, and their alarm brought to a height when a band of intoxicated soldiers rushed into the hall, swearing they would "burn the rebel house." The maid-servant (all the males of the establishment having taken refuge in the woods early in the day, to avoid being made prisoners), fastened herself in the kitchen, and the ladies crowding together like frighted deer, locked themselves in another apartment. The ruffians soon discovered the place of their retreat; and afraid to exasperate them by refusing to come out, one of Governor Livingston's daughters opened the door. The drunken soldier seized her by the arm,—with a spirit worthy of her parent, she grasped the fellow's collar, and at this moment a flash of lightning illumining the hall, and falling full upon the lady's white dress, he staggered back, exclaiming, "God! it's Mrs. Caldwell that we killed today."* One of the party, who were refugees, was at length recognised, and the house was, by his in-

* There has been some controversy, as is well known, as to the immediate agent of Mrs. Caldwell's death—whether he was British or American. If the above anecdote be correct, the doubt is solved. But in addition to the circumstances not well calculated to ensure accuracy, under which the soldier's exclamation was both uttered and heard, another version of the story puts an entirely different ejaculation into his mouth.

tervention, finally rid of the presence of his ruffian companions.

The English did not leave the State for about three weeks; and on the 23d of June, a sharp action was fought at Springfield. This was the last military movement of any consequence in this State. General Washington went into winter quarters in the State of New-York, and from this period the history of New-Jersey occupies a less important space in the annals of the country.

The national currency was at this time at a low ebb, and all creditors and public officers sensibly felt the depreciation. Governor Livingston's salary for this year was fixed at £8000 continental money, which not amounting to more than £150 in silver, the Legislature added £300 of what was called lawful money, emitted by the State; but this "lawful" being itself about 50 per cent. below par, his salary and perquisites together did not exceed a thousand dollars; and at this time he had a large family, was constantly travelling, and every article of consumption was exorbitantly high.

But, loser though he was by the national currency, and the laws passed for its support, as at the same time that he was receiving a very insufficient salary, his debtors availed themselves of the Tender-laws to discharge their obligations in the depreciated money, he considered it a duty to uphold at all times, so far as lay in his power, the national schemes of finance. In a letter of the 7th February, 1779, to Francis Hopkinson, he says, "I

have not a single grain of gold or silver in the world, nor would I by any means purchase it for continental dollars at the difference of one farthing to the exchange." He was frequently appealed to, in order to prevent evasion or violation of the laws on the part of creditors or venders, and I find him refusing to recommend a person for the office of postmaster for the reason that "I have heard of his refusing to take continental money." The following letter, addressed to him on this subject, though of somewhat later date, finds its place most properly here.

"TO GOVERNOR LIVINGSTON.

"Bordentown, Feb. 7th, 1781.

"SIR,

"I have taken the earliest opportunity of answering your Excellency's letter of yesterday, which I have just received. I profess to be a friend to my country, and am sorry to see so little regard paid to its laws. Nevertheless would not choose to be an informer or meddler in other men's matters; but in compliance with your Excellency's request, do say, I was at Mr. Stacey Potts's with Mr. Bunting, on business, ye 31st of last month: he (Mr. Bunting) asked him (Mr. Potts) the price of his leather breeches; he answered ten dollars. Mr. Bunting said it was too high, and desired to hear his lowest price in hard money; he again told him ten dollars: Mr. Bunting again demanded his lowest price in

jingleing stuff; Mr. Potts then told him if he gave him a half Joe he would give him some change.

"He not having the article I wanted, I went out and heard no more until Mr. Bunting told me, as we returned home, that he agreed to take seven dollars. Which affair I, as well as Mr. Bunting, have mentioned to some of our neighbours, by which means it has reached your Excellency's ear.

"I am, Sir,

"Your Excellency's very humble servant,

"SAMUEL SMITH."

But while Governor Livingston thus enforced these laws upon others, he uniformly opposed their passage, and never availed himself of them in regard to his own creditors. "No acts of Assembly," he says, under date of the 19th January, 1789, "have hitherto been able to reconcile me to cheating according to law, or convinced me that human legislators can alter the immutable duties of morality." And in some lines written in ridicule of them, he says,

"For useless a house-door, e'en if we should lock it,
When any insolvent legislative brother
Can legally enter into a man's pocket,
And preamble all his cash into another."

The following extract from a letter to his wife, written from Trenton, and dated 17th October, 1780, while the annual election was yet undecided, shows how independent his simple, but varied tastes

rendered him of all the attractions which office holds out.

"If I should not be rechosen in the government, I purpose to spend the winter at Raritan, to refresh my memory with the law, and to practise it as soon as I get business. But if I should be chosen, I intend to take lodgings in this place, the most safe and most convenient to the people for doing business, who now complain that they do not know where to find me. I also send you a parcel of peach stones, least the late troubles of the family should have prevented you from saving any. They should immediately be put into a hole in the garden, with some mark to find them again in the spring."

He was shortly after re-elected by the vote of twenty-eight of the thirty-six members who composed the joint meeting, Colonel Brearley and General Dickinson dividing the minority.

CHAPTER X.

1781, Jan., Mutiny of the Pennsylvania Line—Sacrifice of Land in Vermont—Conduct of Governor Livingston, and Letters on the subject of Passes—1782, Letter from Sir Guy Carleton—from Jefferson—1783, Peace—Returns to Elizabethtown.

The year 1781 was inauspiciously opened by the mutiny of the troops of the Pennsylvania line, stationed in New-Jersey. Governor Livingston, in a letter to General Schuyler, dated Bordentown, 18th January, thus speaks of it: "I was obliged to decamp from Trenton to this place, on the entrance of General Wayne's myrmidons into the former, lest they might make a holyday with my public documents. At present, the lads are as easy as the Congress and Pennsylvania are just. Throughout the whole contest, good has always come out of evil. This reflection has supported me in every difficulty. Even this alarming mutiny has ended to our honour and the confusion of the enemy."

At the first annual election of the American Philosophical Society, in January of this year, when Franklin was elected president, Governor Livingston was chosen, with Jefferson, Witherspoon, and Dr. Duffield, a councillor for two years. The following letter to John Mathews, at this

time a delegate in Congress from South Carolina, expresses that unshaken confidence in the final success of the great cause, which seems never for a moment to have abandoned the writer.

"Trenton, 2d February, 1781.

"SIR,

* * * * * *

"Our affairs, I am sensible, do not at present wear the most pleasing aspect; but I have known them as bad, yet, thanks to Heaven, I have never desponded; though I have often had my difficulties, I am confident that we shall prevail. I am confident that the Almighty is on our side, and I am confident that the *world was not made for Cæsar*. But I know at the same time that Providence will abandon us as a parcel of ingrates, if we neglect to do for ourselves what we can do. * * *

"Up and be doing, and then trust for the event to Providence, and God will bless our endeavours. But by the counter-operation of the tories and *faut d'argent*, our political salvation will doubtless resemble that of our eternal one, which the Scripture informs us will be *as by fire*. A complete army, well found and well paid, with General Washington at the head of it, and I doubt not the Supreme Being will soon render us victorious.

"If the levies cannot be raised, or when raised, cannot be clothed and paid on the plans at present adopted by the respective Legislatures, Congress ought to have, undoubtedly, authority to

enforce every measure necessary for the preservation of the whole union. What is become of our promise to stand by Congress with our lives and fortunes? is it all evaporated in speculation and peculation, in toryism and neutrality? and are those who have really abided by that solemn compact, tamely to suffer the violation of it by those villains who daily infringe it? There ought, sir, no tory to be suffered to exist in America. And till the line be fairly drawn, and the goats separated from the sheep, we must expect to row against the stream. * * *

"I am, &c.

"WIL. LIVINGSTON."

During this year, Governor Livingston appears to have been closely occupied with the details of his office; but he found time to write to his foreign correspondents letters which, though of no particular interest now, were highly valuable at the time for the accurate information that they gave of the state of affairs in this country. His son says, writing from Madrid, 29th of April, 1781, "Your letters have been sent to the prime minister, and by his order inserted in the Spanish Gazette. They have dispelled some unfavourable impressions, and have been of real service in more ways than one." "All my correspondence abroad," says Livingston (2d of February, 1781), "is in co-operation with the great design, the final establishment of our independence." In unison with this plan, he in Feb-

ruary of this year addressed a letter to M. Dumas on the subject of American interests.

About this time, when he had nearly reached the age of sixty, Governor Livingston, with an activity of mind which recalls the anecdote of the stoical Roman, excited by the connexions his country had formed with France, set himself about acquiring a grammatical knowledge of the French language, and pursued it so far as to be able to read it fluently, and write it with some ease, though little accuracy.

The contest between New-York and Vermont was brought to a crisis in this spring, and most, if not all of the foreign grants by which lands were held in the new State, were declared by its Legislature void. Livingston, who had inherited, or purchased under titles derived from the government of his native colony, a valuable tract of land, comprising about 6000 acres, and forming a considerable portion of what is now the town of Royalton, was assured by one or two of the leading men in the State, that in consideration of his elevated character and conspicuous exertions in the American cause, their Legislature would be easily induced to assign him other lands in compensation for those taken, or to grant him some other equivalent.

Governor Livingston had looked with little favor upon the course pursued by Vermont. He thought the spirit of the people devoted to their own local interests, and opposed to the dig-

nity and advantage of the union. Unwilling to be treated with any peculiar lenity, or in any way to acknowledge their independent authority, he dismissed the messenger who brought him these friendly offers, exclaiming with no little asperity, "No, no! I'll not countenance the robbers;"—and thus, from the very exaggeration of integrity, he sacrificed a property valued at above ten thousand dollars.*

The laws passed by the State of New-Jersey on the subject of intercourse with the British have been already spoken of. The restraints necessarily imposed upon the citizens, and the people of the frontier especially, were becoming every day more and more irksome. The temptations to the illicit trade with the enemy were great, and the applications for permission to go to or return from New-York innumerable. Under these circumstances, Livingston was unremitting in his endeavours to induce or compel the subordinate officers to do their duty, and in his own department there appears no instance in which he departed from the rigid construction of the laws, which he had

* Williams's Hist. Vermont, Chapter x., and letters from M. Lyon and Thomas Chittenden, in Rivington's Gazette of 13th March, 1781. It is unnecessary to say that I have no intention of affirming the correctness of Governor Livingston's opinion of the course pursued by Vermont in relation to the establishment of her independence. It is not requisite to go into the merits of that long protracted struggle in order to appreciate the motives which prompted him in this affair.

originally laid down for himself. It was all important that the morals of the community should not be undermined by a traffic lucrative, but highly criminal, and that no heart-burnings or jealousies should be created by any partial distributions of favours. It required no small force of character to resist the various temptations which friendship, relationship, and the influence of office threw across his path. A weak man would have yielded to the urgency of the petitions, and no one that had any portion of the bad traits of a demagogue would have thought to gain the favour of the multitude by dismissing such a crowd of individual applications. The following letters illustrate his conduct in this particular.

"TO HENRY GERRITSE.

"Trenton, 26th December, 1781.

"SIR,

"On considering your application to me respecting A——— and P———, I think it so far from being consistent with my duty to obtain liberty for them to come into this State, that I shall make it my business, whenever I find that they presume to return home, to have them prevented. We have too many such characters in the State already to procure the importation of more.

"WIL. LIVINGSTON."

"TO THE REV. MR. TIMOTHY JOHNES.

"Trenton, 15th April, 1782.

"DEAR SIR,

"Your letter of the 5th instant was just now put into my hands. I have no reason to doubt Mrs. P.'s whiggism, her indisposition of body, or her inclination to see her mother. But of what particular tendency the air of Long-Island may have to restore her to health, I do not think myself a competent judge. I cannot, however, help remarking, that the artifices of the sex are multiform beyond expression, and it is full as common for those who want a jaunt out of the enemy's lines into ours to expatiate on the superior salubrity of the Jersey air, as it is for those among us who have a passion to see themselves in Long-Island, to turn encomiasts on the transcendent excellency of the air of Nassau. In short, a woman makes nothing of changing the nature of any of the elements to gain her point. I do not mean to apply this remark to Mrs. P———, nor to any individual in particular. But I have so often been deceived by pretensions of this kind, that I entertain a universal distrust of them, nor ever think myself safe with less evidence than the best that the nature of the thing admits of. * * *

"I am, &c.

"WIL. LIVINGSTON."

"Trenton, 2d September, 1782.

"SIR,

"After what I writ you about your granting a passport to Mr. T———, whom I sent back to New-York, there being perhaps not a greater scoundrel among all the refugees, I am the more surprised to hear that you have since given a pass to one J——— C———, who ought to have been committed. For God's sake, sir, do not assist the refugees and tories to deluge this State with their detestable presence. It is the duty of the magistrates to commit and bind over every man coming from New-York without the passport appointed by law, and you have no authority to give passes to any such characters. I therefore earnestly wish that you would in future confine yourself in granting passes to the line of your duty, which by the act relative to passports is so clearly pointed out that it cannot be mistaken.

"WIL. LIVINGSTON."

In the same unyielding temper, he writes as follows to his wife, who had perhaps more influence with him than any other person.

"TO MRS. LIVINGSTON.

"Trenton, 1st Feb., 1782.

"DEAR SUKEY,

"I have received your letter of the 28th last. I wonder how you could think of beginning a letter to me in such a style as to say that you approached

me with fear and trembling. I can assure you it made me tremble, so as to be disabled for some time from reading on, and till I found what was really the subject matter of it, I shook like a leaf. You have no reason, my dear friend, to approach me with fear and trembling, in asking any favour for any person, and if it is either out of my power or improper to grant it, I can only do what in such case I ought to do, refuse it.

"With respect to L——— B———, he has made his escape, so that I am delivered from the mortification of denying your request, of ordering him out of irons till his conviction, which I could not have done, because the officer who had him in charge, had a right to keep him in such manner as he thought him most safe. * * *

"I am, &c.

"Wil. Livingston."

But immovable as we find him, when any private advantage or pleasure was petitioned, the claims of humanity always found a ready ear, and prompt acquiescence.

A close examination of contemporary documents is requisite, to show how much the people of New-Jersey suffered from their exposed situation. Without going into particulars, which would more properly belong to (what is still to be executed), a minute and accurate history of the war in that State, a few particulars may be here grouped together, in proof of what has been said.

On the 15th of October, 1781, a party of refugees landed at Shrewsbury, and in a skirmish between them and the inhabitants, Doctor Nathaniel Scudder, a very estimable man, who had represented the State in Congress, was killed. On the 10th of January, 1782, a party of regulars crossed over to Elizabethtown, to the number of three hundred: on the 13th and 27th of March, two other incursions were made by the refugees. These inroads, resembling more nearly the border feuds and forays of Scotland than any other warfare, were always marked by devastation and plunder; and when the marauders were resisted, by bloodshed.*

In June, 1781, an act was passed by the Legislature with the intention of preventing, or at least checking, the traffic carried on between the Americans and the British across the hostile lines. Considerable excitement was created on the subject, and associations were entered into throughout the State, to further the same desirable end.

In October, Livingston was again elected governor, by a unanimous vote;† but although, as we have said, he was at this time exclusively occupied with the details of his office, there are few incidents to be recorded, and the following letter brings us to the close of this year.

* Vid. N. J. Gazette, passim.

† Min. Joint Meeting, N. J. State Library.

"TO ROBERT LIVINGSTON.

"Trenton, 17th Dec., 1781.

"DEAR BROTHER,

"I hear that your very numerous family is going to be increased by the addition of one of mine. I fear S——— will be troublesome to a house so overrun with company as yours. But my poor girls are so terrified at the frequent incursions of the refugees into Elizabethtown, that it is a kind of cruelty to insist on their keeping at home, especially as their mother chooses rather to submit to her present solitary life than to expose them to such disagreeable apprehensions. But she herself will keep her ground to save the place from being ruined, and I must quit it to save my body from the provost in New-York; so that we are all scattered about the country. But by the blessing of God, and the instrumentality of General Washington and Robert Morris, I hope we shall drive the devils to Old England before next June. The naval operations of the United Provinces (by a letter I lately received from a noble correspondent), appear still greatly retarded by the faction of the Prince of Orange. If the patriotic party cannot give his serene highness a Dutch for an English heart, I hope that, rather than suffer themselves to be outwitted by him, he may be *Dewitted* by them.

"Cornwallis's party in New-York is open-mouthed against Clinton, and throws all the blame of his lordship's capture on Sir Harry. The latter

justifies himself by the impracticability of affording succours after the arrival of the French fleet. Whether either of them is to be blamed for this disaster I know not, but I know somebody on whom they may safely throw it, and who is very willing to bear it, General Washington.

"I should be very sorry to have Clinton recalled through any national resentment against him, because as fertile as that country is in the production of blockheads, I think they cannot easily send us a greater blunderbuss, unless peradventure it should please his majesty himself to do us the honour of a visit.

"I am, &c.

"WIL. LIVINGSTON."

In January, 1782, Governor Livingston was elected a member of the American Academy of Arts and Sciences, at Cambridge, not even the pressure of the war being able to divert the attention of that part of the country from those humanizing pursuits in which it has been so successful. Dr. Stiles, of Yale College, in a letter of courtesy, dated 14th March, 1782, says with a slight approach to that inflation which is perceptible in most of the literary productions of that worthy man, "While the present revolution has made shipwreck of many characters which set out well in life, it gives us pleasure to rejoice in the firmness of your Excellency's character, and the singular glory with which it will transmit itself to all American ages."

Livingston's son, Brockholst, quitted the Spanish embassy, to which he had been attached as Mr. Jay's private secretary, in the early part of this year, and sailed for America. On his voyage he was captured by a British vessel and carried into New-York, where he was imprisoned by the orders of Sir Henry Clinton, or General Robertson. Sir Guy Carleton, afterwards Lord Dorchester, succeeded to the chief command in May, 1782, and immediately liberating Colonel Livingston, sent by him to his father a letter,* which was the commencement of a courteous correspondence of some length. The temper which dictated this letter, and for which Carleton was at all times conspicuous, is now beginning only at too late a day to diffuse itself rapidly among the inhabitants of the two countries. "With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honourable, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both that it is their policy to preserve the most cordial relations."† It is to be hoped for the future, that these sentiments, promulgated by our highest constitutional authority, may regulate not less our private than our public intercourse.

* This letter, which it was not practicable to insert in its proper place, will be found in the appendix.

† President Jackson's Message, 8th Dec., 1829.

The rumors of attempts to seize Governor Livingston's person, I find several times occurring during this year, and they seem to have considerably harassed his nervous and excitable temper. In reply to a letter from Col. David Humphrey, sent at Washington's request to inform him of such a scheme conducted by some refugees, he writes thus.

"Trenton, 28th October, 1782.

"Sir,

"I have this day been favoured with your letter of the 26th instant, inclosing that of Mr. Cogswell of the 24th. I am under the greatest obligations, both to you and to that gentleman, for the intelligence those letters communicated. Many of these kinds of reports are undoubtedly without foundation; others I have afterwards been convinced were founded in fact. Providence hath hitherto been pleased to preserve me from the machinations, as it has a gentleman of infinitely more importance to the common cause. It is, however, prudent to be watchful, and caution is better than remedy. But after all, the fellows are as great blockheads as they are rascals, for taking so much pains and running any risk to assassinate an old fellow whose place might instantly be supplied by a successor of greater ability and greater energy.

"I am, &c.

"Wil. Livingston."

The vote by which Livingston was re-elected governor in the fall of this year, is not recorded in the minutes of the joint meeting.

In the early part of the next year, while Mr. Jefferson was in Philadelphia, from which place he then expected to be immediately sent to Europe in a diplomatic capacity, and on the eve of his intended departure* he wrote the following letter to Governor Livingston.

"Philadelphia, January, 1783.

"Dear Sir,

"It gives me real concern that I have been here several days, and so closely engaged that I have not been able to pay you the respect of a letter, and to assure you that I hold among my most estimable acquaintances, that which I had the pleasure of contracting with you at this place. I am the more concerned, as expecting to leave this place on Tuesday next, I might have been gratified by the carrying letters from you to Mr. and Mrs. Jay. Perhaps it may not yet be too late. * *

I beg you to accept my sincere wishes for your happiness, and believe me very really,

"Dear sir, your most obedient,

"And most humble friend and servant,

"Th. Jefferson."

During this winter, the rumors of approaching peace daily increased, and the strong desire felt

* Jefferson's Mem. vol. i. p. 42.

for it by the whole people, excepting a portion of the commercial population, with whom it is a singular fact that a contrary wish existed,* was alternately gratified and disappointed by the contradictory reports which almost every vessel brought from Europe. It was at one time reported through New-Jersey that Mr. Jay had returned from Europe, and it was in reply to a letter of Dr. John Rodgers, expressing a desire to know if this intelligence were true, and what was the actual state of the negotiations, that the following was written.

"Trenton, 27th January, 1783.

* * * * * *

"Your letter, sir, pleases me much more for being written in the familiar style of friend and friend, than it would have done had it been replete with Excellencies from beginning to end, with the applicable superaddition of all the titles that ever were used or invented within the whole circuit of the German empire. As to the prospect of a peace

* "Perhaps," says Robert Morris in a (MS.) letter to Matthew Ridley, dated Philadelphia, 6th October, 1782, "you may be surprised when I tell you, that in this city, the prospect of peace has given more general discontent than any thing that has happened in a long time; particularly among the mercantile part of the community." Gouverneur Morris in a (MS.) letter to the same person, of the 16th August, 1782, expresses the same feeling. "I am well convinced of two things, one that a peace will not easily be made, and another that it is not much for the interest of America that it should be made at present."

taking place this winter, * * * my hopes, I say, of so desirable an event, are, I confess, not very sanguine. At New-York, it is true, they are full of peace. So full, indeed, that from that very circumstance, I am the more suspicious about it. *Timeo Danaos et dona ferentes.* We ought never to suffer these kinds of reports to lull us into security, which is frequently the artful design of the tories in propagating them. In worldly politics, as well as religion, we should watch as well as pray. * * * In my opinion America should act as if she thought that there would be no peace in three or four years. * * *

"I am, &c.

"WIL. LIVINGSTON."

The exposed situation of New-Jersey subjected her unprotected frontier at all times to the incursions of the enemy, and even at this period, almost to the last moment that hostilities were allowed, while other parts of the continent were enjoying the blessings of peace, her citizens were harassed, and their property plundered with that unmitigated severity which uniformly characterizes a border and partisan warfare. The following letter, one of the writers of which had been a delegate in Congress, and the other speaker of the Assembly, will convey some idea of the closing scenes of the contest.

"TO GOVERNOR LIVINGSTON.

"Cumberland, February 10th, 1783.

"PLEASE YOUR EXCELLENCY,

"The late repeated incursions upon the frontier inhabitants of this county, from armed boats cruising in the Delaware, render it necessary, in our humble opinion, to have a small guard of the militia stationed in divers places, near shore, for the purpose of reconnoitering the enemy, and giving certain intelligence to the body of militia in the adjacent parts of the county, by which means we hope to prevent a repetition of such insults and robbery as we have been forced to submit to by the merciless crews belonging to the said boats, who have conducted like the emissaries of a British tyrant, lost to every principle of humanity which inspires a true soldier. They have, under cover of the night, rushed violently into defenceless houses, and robbed whole families of their cash, provisions, and even their common and most necessary clothing, without respect to the delicacy or tenderness of sex or age. One of the aforesaid boats' crews, consisting of nine men, the most of them Britons by birth, principle, and practice, sailed from New-York last month for an eight weeks' cruise in the Delaware, which terminated in three weeks, and lodged the whole ——— of robbers secure in the jail of this county—taken by the militia after plundering one house in the manner before mentioned. * * *

"EPHRAIM HARRIS,

"THEO. ELMER."

The news of the signature of the preliminaries by the commissioners at length arrived. On the 11th of April, a cessation of hostilities was proclaimed, and on the 15th the first treaty was ratified. Governor Livingston's fortune had become so embarrassed, as we have said, during the war, that he at one time feared lest he should be compelled to sell his place at Elizabethtown, and the following letter, written on this subject to his wife, shows how entirely free his character was from every taint of selfishness.

"TO MRS. LIVINGSTON.

"——— 1783

"DEAR SUKEY,

* * * * * *

"As to your opinion about disposing of our place at Elizabethtown, I cannot think that I am under any necessity of doing it, because, though I have greatly suffered by the war, I have a good estate left, if I can but get the time to put it in order. However, any thing that may appear most advantageous to my children I would readily consent to, especially for the sake of my two unmarried daughters, whom I am determined not to leave to the mercy of an unfeeling world. But as to *hiring* a place, I should not like, because in that case, if I should die before you, you would be at the mercy of a landlord, without a house of your own to put your head in.

* * * * *

"I hope ——— will not begin the world without *a shilling in his pocket*, though he might have gone into New-York without money. I had not then any money to give him, and I cannot cut money from my flesh.

* * * * * *

"I am,

"Your affectionate husband,

"WIL. LIVINGSTON."

This sacrifice was, however, on more mature deliberation, deemed unnecessary; and in April, after receiving a committee of the inhabitants of Trenton, who waited upon him to express their regret at his departure, he left that place, where he had resided for three years, and returned to Elizabethtown. His joy at being thus finally allowed to relinquish his wandering life, and in being permanently joined to his wife and children, overflows in his letters written about this time. He once more entered his deserted library, took upon himself the superintendence of his long neglected garden, and was rarely afterwards withdrawn, except by the claims of his office, from these favorite pursuits.

Writing to M. de Marbois, under date of the 24th of September, he says, "Thanks to heaven that the times again permit me to pursue my favourite amusement of raising vegetables; which, with the additional pleasure resulting from my library, I really prefer to all the bustle and splen-

dour of the world." The love of gardening amounted with Livingston, as he says, in the letter from which the above is extracted, to a passion. . From his correspondents in different parts of the country, he was constantly collecting the choicest seeds. He took a delight and pride in the products of his labour and skill, and his name may be added to the list of those who, like Walpole and Pope, have relieved themselves from the fatigue of more important and notorious transactions, by this, the earliest and least ambitious of all modes of occupation.

The intercourse across the lines with New-York became now less shackled, and though passes were still required, permission of ingress and egress was easily obtained. Governor Livingston, however, numerous as were the ties of affection and friendship drawing him to that city, refused to go while the British remained. "My republican pride," he says, in a letter of the 30th of June, "will not permit me to go to N. Y. to see my friends at the expense of being beholden to the English for such a permission."

About this time the mutiny of the Jersey troops took place; and upon this alarming occasion, which called forth the devotion of all the hearty lovers of the union, Livingston wrote the following letter to Elias Boudinot, then President of Congress.

"Trenton, 24th June, 1783.

"Sir,

"I just this moment received your Excellency's letter of yesterday, on my journey to Elizabeth-town. I am greatly mortified at the insult offered to Congress by a part of the soldiery. If that august body shall think proper to honour this State with their presence, I make not the least doubt that the citizens of New-Jersey will cheerfully turn out to repel any violence that may be attempted against them: and, as soon as I shall be informed of the movement of Congress to this State, and that there is the least reason to apprehend that the mutineers intend to prosecute their violent measures, I shall, with the greatest alacrity, give the necessary orders, and think myself not a little honoured by being personally engaged in defending the representatives of the United States against every insult and indignity.

"I am, &c.

"Wil. Livingston."

Resolutions were also forwarded to Congress at this time, by the inhabitants of Trenton and Princeton, expressive of their devotion to the federal cause, and their readiness to support its dignity. The college at the latter place offered the use of its buildings to the national Legislature, which was accepted on the 30th of the month.

It may be mentioned as a proof of the reputation Livingston had acquired abroad, that during

the summer of this year, he received from the patriotic party of Enkhuysen, in Holland, a letter, accompanied by the nationally characteristic present of six cags of herring, sent as a tribute of their respect for his exertions in the cause of freedom. This chapter cannot be more appropriately closed than by the following extract from a letter to the Baron Van der Capellen, dated 18th Nov., 1783, although, perhaps, the scientific economist may rightly object to the sentiment it conveys.

"After all, sir, I think myself too patriotic to encourage the importation of foreign luxuries, especially during our present national poverty and our heavy debt, both foreign and domestic; nor can I bear to see any of our cash transmitted to Europe and Asia, in quest of delicacies to tickle the palate, while I am accosted by a soldier with a wooden leg and a lost arm, who has a just demand of pay upon Congress, for his essential services in delivering his country from the late meditated tyranny."

CHAPTER XI.

Definitive Treaty of Peace—Governor Livingston nominated Commissioner to erect the Federal Buildings—Chosen Minister to Holland—Declines—Letters on the subject of Slavery—Livingston elected Delegate to the Federal Convention—Matthew Ridley—Disputes between the American Ministers in France in 1782.

The news of the execution of the definitive treaty of Paris at length arrived. On the 25th of November, 1783, the British troops evacuated New-York, carrying with them a numerous suite of tories and refugees, and our soil was finally unburthened by the foot of foreign or domestic foe. By the conclusion of peace and the departure of the English, the peculiar features of Livingston's government were essentially altered—but though relieved from the more painful and harassing portions of his duty, the office was still highly laborious and responsible.

The public mind of the States, hitherto occupied with the difficulties and dangers of their external circumstances, now applied itself actively, but often precipitately and unwisely, to the exigencies of their internal condition. Questions began now to be mooted that had never been agitated before; problems in government to be discussed

that even at this day are not fully solved. The Legislative tables were crowded with novel projects, and the schemes of men little habituated to the unlimited exercise of the law-making power. The courts of law, too long closed or impeded in their operations, were now thronged with suitors.

In this posture of affairs Livingston, invested with the powers of governor, chancellor, and ordinary, could not expect much leisure in his office. Indeed, he says, in 1788, when the difficulties of his station would be supposed to have decreased, that scarcely a day passed without his being called upon to act either as governor or chancellor. This necessarily operated as a confinement, when he was not positively occupied, and detained him almost entirely at home. On the 6th of November, he was re-elected governor by 33 out of 34 votes,* and the following extracts from a letter to Hooper, of North Carolina, show the views with which he at this time took upon himself the administration of the State.

"Trenton, 10th November, 1783.

"My dear Friend,

"Will you believe it? I never received your letter of the 15th of May till a few days since. What malicious fiend or fairy, sylph or sylphite, or rather what infernal tory detained it, and thereby deprived me, during that interval, of the pleasure of hearing from you, I know not. * * *

* Vid. Min. of Joint Meeting.

"I have had the pleasure of spending the last summer with my family at Elizabethtown, which is the first time in seven years that I have had any place which I could properly call my *home*. My return, after so long an absence, gave me an additional relish for that rural life and noiseless retirement for which I have long had an ardent passion. To gratify this rational taste, especially in an old man, I had some serious thoughts of declining all public business in future; and to wrap myself in a sort of *otium cum dignitate:* but from the unanimity of the people, which (let politicians say what they please) is flattering to the most unambitious man, to continue me in office; from my own conceit, whether true or false, that several matters would necessarily occur in the first year after the peace which would have such an ultimate connection with many transactions during the war, that an old hand might probably be more serviceable than a new one; and from my still equal strength of constitution to what I had when you first knew me, I have again consented to take hold of our little political helm. It is much in your power, my dear sir, if you will not be at the trouble of enabling me, by your advice, to carry the ship by the straightest course to the destined haven, to soothe at least the pilot on his tedious voyage by the *agréments* of your correspondence, upon which I do you the justice to be assured that I set an inexpressible value.

"I am, &c.

"Wil. Livingston."

But while the separate States were far from being completely relieved from their embarrassments by the declaration of peace, the difficulties of the Federal government seemed but increased by it. It is a striking proof of the radical defects of the confederation, that considerable alarm was felt lest a representation could not be obtained in Congress within the period limited for the ratification of the definitive treaty. In January, 1784, Mifflin, then president of Congress, sent his private secretary, Colonel Harmar, to Governor Livingston, the more urgently to impress upon him the difficult situation of the Federal assembly. The following letter from the latter to John Beatty, one of the New-Jersey representatives, then in attendance at Annapolis (the seat of Congress), will show his anxiety and exertions on this subject. They proved successful, and the deficiency, so far as regarded New-Jersey, was soon after corrected.

"Elizabethtown, 9th Feb., 1784.

"Dear Sir,

"It was not before yesterday that I received your letter of the 22d of January, enclosing the resolves of Congress of the 15th. What demon of sluggishness has taken possession of the delegates, your colleagues, I know not; but to convince you that I have discharged my duty in my endeavours to exorcise the evil spirit, I have not only wrote to Doctors Dick and Elmer in the most importunate manner, and in the name of the

State, before the rising of the Assembly, but have again written to them on the 16th of last month, informing them of the president's letter to me, and of the absolute necessity there was that one of them should attend, to constitute a representation for this State, as Mr. Stevens was unexpectedly prevented from going. I can no more. It has always appeared to me an inscrutable mystery, how men of honour can reconcile it to themselves, voluntarily to accept of a public trust, and be indifferent whether they execute it or not, or at least to suffer themselves to be impeded in the discharge of it by such of their own private affairs as they must needs have known, before they accepted the office, would occur. * * *

"I am, &c.

"WIL. LIVINGSTON."

For Beatty, Governor Livingston appears to have entertained a high regard. In a letter of the 5th of February, 1785, he says, "Make my compliments to Col. Beatty, as honest a member, I believe, as there ever was in the first Congress."

In the course of this year I again find Livingston contributing to Collins's newspaper. These short pieces, thrown off in his rare moments of leisure, which he complains he had no time to revise, and which, as specimens of composition, might be found far from faultless, had a most salutary effect in preserving, in a healthy state, the tone of public opinion, and in gradually pre-

paring the way for those changes which the spirit of reciprocal concession not long afterwards effected. On every question where the good of the whole demanded sacrifices from the separate parts, Governor Livingston is always to be found advocating those measures requisite to support the interest and dignity of the Federal Union. The punctual attendance of the delegates in Congress, the contributing of the State quotas to defray the national debt, the raising troops to garrison the western posts; all these he earnestly urged and advocated in his conversation, in his letters, and in his printed essays. Danger at that time was apprehended to the country from causes precisely the reverse of those out of which it has arisen on more recent occasions. The confederation was then at the mercy of each State: of later days it has been feared by wise and good men, that in cases of conflicting interest, the rights of the constituent portions might receive too little regard from the power of the whole union.

In March of this year, Livingston was invited to become a member of the Whig Society of New-York. In October, he was re-elected governor by 38 votes out of 43: General Dayton being the rival candidate.*

In January, 1785, Governor Livingston was nominated in Congress, by Mr. Gerry, as one of

* Vid. Min. of Joint Meeting.

the commissioners to superintend the construction of the Federal buildings, which it was then in contemplation to erect. As he might be considered a party interested in the question, it being a part of the commissioners' duty to determine whether the buildings should be situated in Pennsylvania or New-Jersey, this was a flattering compliment to his integrity; but the office was not to his taste, and he declined it in the following characteristic letter to Charles Stewart, at this time a delegate in Congress from New-Jersey.

"Elizabethtown, 5th February, 1785.

"SIR,

"I this moment received your kind letter of the 31st of January, informing me that I was in the nomination, among a number of other gentlemen, as a commissioner for the erection of the Federal buildings; that I had been nominated by Mr. Gerry

* * * * * *

"I shall never refuse to serve my country in any department for which I think myself qualified; nor shall I ever esteem any office dishonourable that Congress can be presumed inclined to vest me with. At the same time I shall always (and that *always* at my time of life can be of no long duration), make it a point of conscience not to accept of any appointment which I cannot execute with honour to myself, and justice to the commonwealth. The one proposed I know that I cannot. In all the bargains that ever I made, I suppose,

upon a moderate computation, that I have been imposed upon ninety-nine times in a hundred. Mankind not having meliorated in point of integrity during the war, what should I not have to apprehend in dealing upon so large a scale as that of contracting for the erection of the Federal buildings. Draw your own inference, sir, and never more think of me relative to the present question.

* * * * * *

"I am, &c.

"WIL. LIVINGSTON."

On the 23d of June, upon the nomination of Mr. Stewart, who made it, as he says, because "I thought you chalked out by God Almighty as the most proper person to be our minister at the Hague, and without any design to compliment or flatter you," Livingston was elected by Congress to succeed Mr. Adams as minister plenipotentiary at the court of Holland, in opposition to Benjamin Harrison and Edward Rutledge, whose names were also given in. I do not know, however, that there was any rivalry on the part of the candidates. Rutledge subsequently declined the office.

The election was highly gratifying to Livingston, and as he says himself, in a letter on the subject, a diplomatic situation at the Hague would have been more agreeable to him, both on account of his familiarity with the language, and the acquaintances he had already formed there, than at any

other court of Europe. Tempted by the offer, he for a short time wavered. But ambition, never with him a ruling passion, was counteracted by the feeling of advancing age, and by the fear of being thought indifferent to the affectionate confidence so many years reposed in him by the State of New-Jersey. Influenced by these motives, he declined the appointment.

During the spring of this year, Mrs. Livingston, who had been an invalid for some time, and who continued such till her death, went to Lebanon, in the State of New-York, hoping to derive some benefit from its waters, which were even then crowded by the believers in their virtue; and here, although it is of a later date, may be most properly introduced a letter to her from her husband, in answer to one in which she had reproached him for not oftener writing. It shows with what tender solicitude he watched over her health, and how little the first warmth of his affection was abated by years of absence and absorbing occupation.

"Trenton, 4th March, 1786.

"My dear, dear Susan,

"Considering that for near a fortnight after I arrived here, I was so indisposed, as scarcely to be able to hold a pen in my hand, and that notwithstanding my indisposition, I wrote you two letters before I received yours of the 27th February, which came to my hands this day, and that during all that time I was every day anxious in inquiring after your

health from everybody that came from our part of the country, you have greatly distressed me by ascribing my silence to my want of affection for you.

* * * * * *

"P.S. If I was to live to the age of Methusalem, I believe I should not forget a certain flower that I once saw in a certain garden; and however that flower may have since faded, towards the evening of that day, I shall always remember how it bloomed in the morning; nor shall I ever love it the less for that decay which the most beautiful and fragrant flowers are subject to in the course of nature. I repeat it in this postscript, that I love you most affectionately, and when I return I will by my attentions and assiduities give you the greatest demonstrations possible of the sincerity of this my declaration. After this, I hope you will not so far forget your friend and lover, as not to acquaint him as often as you conveniently can of the state of your health, which I still hope and pray may be perfectly restored."

In the summer of 1785, Joel Barlow,* then residing at Hartford, entertaining the intention of publishing a volume of American poetry, applied to Mr. Livingston for assistance. The latter furnished him with some of his earlier pieces, but I am uncertain whether the editor's design was ever

* By a letter from Elias Boudinot to Governor Livingston, dated 25th November, 1782, it appears that Mr. Barlow had then his Vision of Columbus in MS.

put in execution. About the same time Livingston was chosen an honorary member of the Philadelphia Society for the Promotion of Agriculture, an appointment more grateful to his taste than his recent diplomatic honours; and in October, he was again elected governor by 38 out of 40 votes.*

Livingston's contributions to Collins's paper, written during this, but which were not printed till the commencement of the next year, and published under the title of "The Primitive Whig," are among the last of his newspaper essays which it is now believed possible to identify; and in taking leave of this portion of my subject, the following is inserted as a specimen of these compositions.

"I HAVE SEEN, AND I HAVE NOT SEEN.

"I have seen several of our Assemblies attempting public economy, by lowering the salaries of the officers of government, and other littlenesses of the like nature, and costing the public more in their own wages, by the time they spent in making the reduction (which ought not to have been made) than it finally amounted to. But I have not seen one of them calling to a serious account the sheriffs who have defrauded us of hundreds by * * * or the commissionaries for forfeited estates, who have plundered us of thousands by trading with the money, or converting it into real estate, and afterwards paying us at a great depre-

* Vid. Minutes of Joint Meeting.

ciation. Why are not these people immediately compelled to pay this money according to the value at which they received it. This would really be an object worthy a legislature. This would go a great way to fill the fiscal coffers, and to ease the poor citizen in his taxes.

"I have seen tories members of Congress, judges upon tribunals, tories representatives in our Legislative councils, tories members of our Assemblies:—I have not seen them bribed with British money, nor was such actual vision necessary for my conviction that they were so. I have seen our soldiers marching barefoot through snow and over ice:—I have not seen them duly recompensed for it; nor America so grateful for such the inexpressible hardships they suffered, as I thought she would have been. I have seen Congress recommending to the several States such salutary measures as would have been of infinite benefit to the union to have adopted:—I have not seen the States adopt these measures. I have seen commerce declining, and worse than declining, prosecuted to our undoing; luxury increasing, idleness prevailing, self-interest predominating, and patriotism languishing. But when shall I see the true spirit of republicans emerging from its late ignoble torpor, and blazing out with the same splendour, the same world-astonishing corruscations with which it so gloriously illustrated the first morning of its appearance.

"I have seen justices of the peace, who were a

burlesque upon all magistracy. Justices illiterate,* justices partial, justices groggy, justices courting popularity to be chosen Assembly-men, and justices encouraging litigiousness. But I have not seen any joint-meeting sufficiently cautious against appointing such justices of the peace.

"I have seen four times as many taverns in the State as are necessary. These superabundant taverns are continually haunted by idlers. These taverns are confessedly so many nuisances—all well-regulated governments abolish them, and yet I have not seen any of our courts that license them willing to retrench the supernumerary ones.

"I have seen the Regency of Algiers making a cruel and unprovoked war upon the United States. I have not *seen* the secret hand of Great Britain exciting those infidels to such war, to render her own bottoms the more necessary to carry on our commerce, and for other purposes, by the *said act intended.*

"I have seen paper money emitted by a Legislature that solemnly promised to redeem it, that afterwards depreciated it themselves—and I therefore believe that I shall never see the honest redemption of it. I have seen Assemblies enacting

* Among Governor Livingston's loose Mem. for the year 1780, I find the following, endorsed, "A Sample of Justice A.'s English." "We must have spirituable laws against the tories, and level largely on their properties—if they take off a whig, we must retolerate upon them, for the poor whigs are obliged to leave their habitations and live in distressed places."

laws amending the practice in the courts of justice, but I have not yet seen that practice really amended by them. I have seen, since our revolution, tories promoted to offices of trust and profit to the exclusion of whigs; but I have never seen the man who dared to avow either the propriety or the justice of such promotion. I have seen hundreds paying their debts with continental money at the depreciated rate of above sixty for one; but how many have I seen that had too much integrity to avail themselves of the subterfuge for dishonesty which the law unintentionally afforded them; and instead of infringing the golden rule, though protected by the chicanery of human edicts to sin against it, nobly disdained to violate the dictates of their consciences, and against light, and knowledge, and gospel, to defraud their neighbour of his due! How many? Not enough to constitute a legal jury.

"I have seen Congress necessitated to borrow money from France and Holland; but I have not seen the States take proper measures to discharge their proportion of these engagements. I have not *seen* any of our * * * American officers, who were during the war posted on our lines for the express purpose of preventing the illegal commerce with the enemy, themselves carrying on this infamous traffic. I will not tell all that I have seen. The veracity of a historian is often called in question when he speaks of disorders in government that appear incredible. He often relates facts that,

because extraordinary, though true, are received as exaggeration and romance. I hope for the future to see virtue and patriotism unmixed and unadulterated with private interest. I hope to see our independence gained at the expense of much blood and treasure, for ever and ever established in righteousness."

These urgent but homely appeals to the patriotism, the virtue, and the intelligence of the people have now ceased to possess value, and perhaps interest; but I should do little justice to the subject of this memoir, did I not notice the truth, the fearlessness, and the love of country which breathe throughout them all.

In the early part of the year 1786, I find Governor Livingston, with his customary zeal in the cause of knowledge and improvement, urging upon the Assembly the petition of Michaux, who had been sent out as a botanist by the French government, praying permission to buy thirty acres of land in New-Jersey, to be used as a garden for promoting that branch of science, both here and abroad. An act passed 3d March, 1786, authorizing the purchase of two hundred acres.* We

* "Andreas Michaux qui ex Persia redux ubi per sexennium plantas perquisierat huc usque incognitas, missus in Americam a Rege Ludovico XVI. et artium fautore Dangevillæo post repetitas per annos duodecim ex Carolina ad littus Hudsonianum itinerationes non sine vitæ periculo, &c. &c." What resulted from the purchase of this garden, or whether it was effected, I know not.

have seen too many circumstances of a similar kind to be surprised at this instance of the enlightened ardour and superiority to all local and national prejudices on the part of the French in their pursuit of science. They allow no barrier of climate, or language, or hostile feeling to impede their progress—nor are they ashamed to add to their rich stores, the contributions of those who may be in many respects poorer than themselves.

The Legislature was called together in the spring, by Mr. Van Cleve, the speaker, to meet at New-Brunswick. It was expected that the question of a new emission of bills would be brought before them, the inundation of the country by paper money being even at that late day regarded by many as a political panacea. The opinion of Governor Livingston on this subject is thus expressed in the following letter, the tone of which, when we remember how great a sufferer he had been by the depreciated currency, may be considered as singularly just and moderate.

"TO BENJAMIN VAN CLEVE.

"Elizabethtown, 5th May, 1786.

"DEAR SIR,

* * * * * *

"For my part I shall attend your notification (for the meeting of the Legislature) with

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Michaux published an Histoire des Chênes de L'Amerique in 1801, and his Flora Boreali-Americana was edited in 1803, by his son. The above extract is from the Preface to the latter work.

pleasure, and I hope we shall all be impartially inclined to do whatever appears to us most advantageous to the public interest; for abstracted from that, or in opposition to it, I would see all such popularity as must be acquired at the horrid expense of sacrificing one's conscience, and the national honour, and the public faith, and our federal obligations, and the ultimate and real interest of this State to—the devil.

"But if we should prove to be so publicly virtuous as first to comply with the requisitions of Congress, as far as with our utmost exertions we are able, and then emit such a sum of paper currency as would not prove inconsistent with that compliance, and upon such a fund for its redemption as afforded a reasonable prospect of its maintaining its credit, and not enable every knave to defraud his neighbour; I think the petitioners for paper money ought to be gratified, and that such a measure would really relieve many honest people in distress, who ought undoubtedly to be relieved, as far as can be effected without injury to the commonwealth.

"I am, &c.

"Wil. Livingston."

The great question of the abolition of slavery and the slave trade, began now to be seriously discussed,* and it is not a little to the credit both of

* The first act passed in this country directed against the system of slavery was passed by Pennsylvania in February, 1780, but a considerable interval elapsed before the next step was taken.

the justice and sagacity of the northern States, that at so early a period, and while surrounded by so many difficulties, external and internal, they should have had the courage to attack a system, then closely interwoven with our whole domestic policy; which a legislation of forty years has but just succeeded in eradicating from our own State, and which yet presses with all its accumulated perplexity and danger upon our southern brethren. This subject had, as we have already seen, attracted Livingston's attention eight years before, and the following letter thus expresses his unabated sympathy in the good cause.

"Elizabethtown, 26th June, 1786.

"SIR,

"The institution of the society in New-York for promoting the emancipation of slaves, &c. never came to my knowledge till this day, when I was honoured with the present of a pamphlet, containing a dialogue concerning the slavery of the Africans, and the rules of the said society. By a rule of the quarterly meeting of the said society on the 10th of November, 1785, I find that any person desiring to be admitted a member shall apply to the standing committee, &c. If by *any person* it is intended to comprehend gentlemen of other states, as well as the citizens of New-York (as from the liberality of sentiment of a society that originates so glorious a design as that of promoting the emancipation of any part of the human race, I

would fondly hope it is), I would most ardently wish to become a member of it; and provided I can succeed in this my wish, according to the rules of the society respecting their mode of election, I can safely promise them that neither my tongue, nor my pen, nor purse shall be wanting to promote the abolition of what to me appears so inconsistent with humanity and Christianity, and so inevitably perpetuating of an indelible blot, with all the nations of Europe, upon the character of those who have so strongly asserted the unalienable rights of mankind, and whose conflict in the defence of those rights it has pleased Providence to crown with such signal (and to all human appearance unexpected) triumphant success. May the great and the equal Father of the human race, who has expressly declared his abhorrence of oppression, and that he is no respecter of persons, succeed a design so laudably calculated to *undo the heavy burdens, to let the oppressed go free, and to break every yoke.*

"I am, &c.

"Wil. Livingston."

Nor was his co-operation in the cause confined to mere expressions of sympathy. In the next year, "in consideration," as the bill of manumission runs, "of my regard for the natural liberties of mankind, and in order to set the example, as far as my voluntary manumission of slaves may have any influence on others," he emancipated the only two

slaves he had, and took the resolution never to own another. He also lent his influence to enlist the Legislature of his State in the matter, and was so far successful, that on the 2d March, 1736, they commenced their operations on the subject by an act to prevent the importation of slaves, &c. The following letter to Mr. James Pemberton, of Philadelphia, a member of that religious society whose efforts in this cause have placed posterity under a load of obligation to their enlightened wisdom and untiring zeal, refers to an application made in 1788, to the Assembly of New-Jersey, in this behalf, by Messrs Emlyn and Offlee.

"Elizabethtown, 21st December, 1788.

"ESTEEMED FRIEND,

* * * * * *

"You have doubtless learnt from them how far they succeeded in their application to our Legislature—I am sorry that their wishes were not more extensively answered. * * * With respect to slave-holding, our Legislature, shortly after the revolution, committed a most fatal error, to prevent which I exerted my utmost endeavours, but without success. They confiscated these unhappy people as the forfeited property of certain delinquents, and deposited the proceeds arising from the sales in the public treasury. This was giving a greater sanction to legitimate the abominable practice than any thing that could be adduced for its support under the old government, in which

that unaccountable doctrine rather depended upon custom than positive law.

* * * * * *

"Believe me to be your sincere and respectful friend,

"WIL. LIVINGSTON."

At no period of our history have the prospects of the union worn so unpromising an appearance as in the year 1786. The bond of a common danger no longer existed; the confederation had failed to command respect or affection. A sufficient representation in Congress could scarcely be secured —the debts of the States, as well as of the Federal government, were yet to be paid—the credit of the country was every day declining, and what was more alarming than all, a spirit of despondency and distrust of the future destinies of the country, as appears by what we have of the correspondence of the day, had seized upon some of its most prominent statesmen. Governor Livingston largely partook of this alarm, so well justified by appearances as to have infected Washington and Jay.* In a letter of the 22d December, to Mr. Houston, who had previously been a delegate from New-Jersey, he says, "I hope I am neither enthusiastic nor superstitious, but I have strange forebodings of calamitous times, and that those times are not very remote." Again, in a letter of the 17th February, 1787, to the Hon. Elijah Clarke, he writes,

* Pitkin, vol. ii. p. 216, and seq.

"I am really more distressed by the posture of our public affairs, than I ever was by the most gloomy appearances during the late war. We do not exhibit the virtue that is necessary to support a republican government; and without the utmost exertions of the more patriotic part of the community, and the blessing of God upon their exertions, I fear that we shall not be able, for ten years from the date of this letter, to support that independence which has cost us so much blood and treasure to acquire.

"I pray for the disappointment of my forebodings, but God will not smile upon public iniquity, nor upon that astonishing ingratitude wherewith we requite his marvellous interposition to deliver us from the bondage to which our enemies meditated to reduce us. * * * *

"Our situation, sir, is truly deplorable, and without a speedy alteration of measures, I doubt whether you and I shall survive the existence of that liberty for which we have so strenuously contended."

These gloomy anticipations were fortunately not realized. These "utmost exertions" were about being put forth. The spirit of compromise had already commenced its beneficial career—that spirit of compromise, that just and liberal sense of mutual interest for which we have shown ourselves conspicuous in all hazardous times—which is the surest cement of our compact; which is never

even partially forsaken without engendering discontent and animosity, and the final abandonment of which will be the signal, perhaps the only certain signal, for the dismemberment of the union.

Virginia, always prominent in every measure connected with the welfare of the republic, had already (16th October, 1786) appointed commissioners for the purpose of revising the articles of confederation, and New-Jersey was the first (23d November) to imitate her example.* The following letter to Livingston, from Governor Randolph, enclosing a copy of the Virginia act above mentioned, may be read with interest, as showing the deep anxiety that penetrated the minds of all thinking men at this period.

"Richmond, December 1st, 1786.

"Sir,

"I feel a peculiar satisfaction in forwarding to your Excellency the enclosed act of our Legislature. As it breathes a spirit truly federal, and contains an effort to support our general government, which is now reduced to the most awful crisis, permit me to solicit your Excellency's co-operation at this trying moment.

* On the 23d November, as stated in the text, the Council and Assembly of New-Jersey elected David Brearley, W. C. Houston, Wm. Paterson, and John Neilson, delegates to the Convention. On the 18th of the following May, they joined to the above, omitting Neilson, Governor Livingston and Abraham Clark, and on the 5th June, Jonathan Dayton was added to the representation.

"I have the honour to be your Excellency's most obedient humble servant,

(Signed) "EDM. RANDOLPH."

In another letter, dated December 6th, 1786, Governor Randolph says, "My anxiety for the well-being of the Federal government will not suffer me to risk so important a consideration upon the safety of a single letter. Your Excellency will therefore excuse me for again intruding on you with the enclosed act of our Legislature, and repeating the request urged in my letter of the 1st instant, that you would give a zealous attention to the present American crisis."

Governor Livingston had long lamented the inefficiency of the government under the confederation, to regulate (that "word of fear") matters of national concern, and there can be but little doubt that to his influence is in a considerable degree to be ascribed the alacrity and unanimity with which New-Jersey took every step to facilitate the formation and adoption of the proposed constitution. The different States, one by one, acceded to the measure of calling a convention, and the events which belong to the time, between the period where we have now arrived, and the assembling of that body, will be compressed into as brief a space as the subject permits.

In October, 1786, Livingston was continued in the governor's chair by 38 votes out of 46; Abraham Clarke being the candidate of the minority.*

* Vid. Min. of Joint Meeting.

In January, 1787, Governor Livingston was applied to by his friend, the Rev. Chauncey Whittelsey, whose name has more than once occurred in the preceding pages, to assist Mr. Jedediah Morse in obtaining for his geography, which he was about to publish, the requisite facts respecting the State of New-Jersey. Livingston undertook with alacrity the task allotted to him, and after considerable exertion, was so successful as to obtain comparatively accurate information respecting his own State. He also bestowed time and attention upon the style of the work, the MS. of which was submitted to him, and there are among his papers several sheets filled with verbal and grammatical corrections of it. The work, which deserves notice as the first attempt of any magnitude to exhibit a correct view of the extent and resources of the union, was finally published at Elizabethtown in 1789, and dedicated to Governor Livingston.

The following extract of a letter from the subject of this memoir to one of his grandchildren, may be here inserted. It shows how easily his thoughts reverted to private life, when relieved from the weight of public occupation, and in how full and warm a tide his best affections still flowed, unchilled by the strife of party or the selfishness of power.

"Elizabethtown, 18th January, 1787.

"My dear ———,

"I have received your letter of the 3d of this month, and very glad was I to receive it, because I began to suspect that my dear grandson had,

among all the pleasures and amusements (and I hope the studies) of New-York, totally forgotten the old gentleman at Liberty Hall. But I am most disagreeably disappointed in those my surmises by that same epistle of yours.

"I hope that by this time, you are recovered from that disagreeable disorder called the *rash*, with which you say you was troubled, and that you will never be *rash* yourself. Certain it is, that the ailment in your heels must keep you from the dancing-school, as I presume the true discipline of that seminary of hops and capers depends as much upon the use of the heels as it does upon that of the toes. *Turn out your toes, sir!*—that's what the dancing-master says much oftener than he does his prayers. I am obliged to you for mentioning to me Mr. Hunt's directions for catching fish in their beds of spawn. But at the same time I hope you do not believe that grandpapa wants any instructions from a West Chester man how to catch *fresh water* fish. Why, he understands it better than he does the affairs of government. Nor do I think that fish ought to be caught at all in their beds of spawn. There is a very humane prohibition in the law of Moses against taking the dam of birds while guarding her eggs or young ones; and I think that the like tender-heartedness ought to be extended to the mother of the spawn of fishes; for as soon as ever she is caught, her spawn are devoured by those fish of prey which she is so industriously employed in chasing from the spot in which

she has deposited it, and which she defends with perhaps as much maternal affection as that with which a human mother watches over the safety of her children. And now, my dear little fellow, with what can I better conclude than by saying, fear God, honour your parents (for, thank Heaven, we have no king to honour), love the United States, mind your books, be yourself a man of honour, and ever scorn to be guilty of a mean action; and upon these conditions I am, as long as I live, your most affectionate grandfather,

"Wil. Livingston."

To the amusement of fishing, as might be collected from this letter, he was exceedingly attached; and during the war, while he could not cultivate his garden, it furnished almost his only relaxation.

About this time, also, Governor Livingston exerted himself actively, and devoted considerable time in a spirit of rigid honesty and enlarged liberality, to obtain for Mr. Kempe (previously attorney-general of the province of New-York, who had espoused the royal side of the revolutionary contest, and was at this time in London), such documentary proof of the value of the forfeited lands which he had before owned in New-Jersey, as might enable him to obtain a compensation from the British commissioners appointed to liquidate these claims. The following extract from one of the numerous letters written by him on this

subject, will show the motives which influenced him to take this troublesome task in behalf of an individual with whom he could have so few points of common feeling.

"Elizabethtown, 3d March, 1787.

"SIR,

"I cannot think of charging you for the great seal, as you have had so much trouble about procuring these documents; and my fear is, that after all, they may arrive too tardy to prove of any service to you. As to my trouble, I pray you not to think of it. There was a period not many years since, when I could not have spared the time; but since your English lads have left us—(I mean those of them who came after the fashion of *vi et armis*, and in the way of forcible entry, though they made but a wretched hand of the detainer, for as to many others in the civil line, and who then lived among us, and have since been obliged to leave us, I really regret their departure from America,)—since that time, I say, I have been able to return to my library and rural solitude, which I enjoy with infinitely greater satisfaction than any posts or titles which it is in the power of men to confer upon me: and if I find greater pleasure in any worldly occupation, than I do in books and gardening, it is in serving my friends; and I hope, to a considerable degree, even my enemies too. If any thing further occurs to you, sir, respecting your interest among us, in which I can possibly be of the

least service to you, pray communicate it with the freedom of friend to friend, and besides the pleasure of serving you, I shall have the additional one of *singularity* (of which some people are very fond), that is, as the world goes, of being sincere in one's professions, and fulfilling one's promises. God bless you and all your family, which will be of greater advantage to you and them than the compliments of any man. My principal secretary of state, who is one of my daughters, is gone to New-York to shake her heels at the balls and assemblies of a metropolis, which might as well be more studious of paying its taxes, than of instituting expensive diversions. I mention this absence of my secretary to atone for the slovenly hand-writing of this letter, and of my enclosed certificate, because she is as celebrated for writing a good hand as her father is notorious for scribbling a bad one.

"I am, &c.

"Wil. Livingston."*

But at the same time that he was performing this friendly office for Mr. Kempe, he says, writing to his son, who had requested of him, for a third person, a letter of introduction to a Canadian

* Livingston's hand-writing, as he confesses in this letter, was intolerably bad. His early letter-books are, it is true, written in a very clerkly hand; but afterwards he degenerated so much in this respect that General Washington has been heard to say, that when he received a letter from Governor Livingston, he called around him all his staff to assist him in deciphering it.

gentleman, after absolutely refusing to comply with the request, "such a measure might eventually give rise to a report, that I was concerned in a clandestine trade with the British of Canada, and I would rather form commercial connections with that miserable part of the human species at the Cape of Good Hope, called Hottentots." So violent was the hostility engendered by the war, and so scrupulously tender was he of his reputation.

On the 14th of April, in this year, Catharine, the second daughter of Governor Livingston, was married at her father's house, to Matthew Ridley, of Baltimore, a gentleman of whom I may here be permitted to say a few words, both as partially connected with my subject, and with the history of the country, and also as being one of the very few inhabitants of the mother country, who at an early period of our revolutionary contest, while the fate of the colonies was still wholly undecided, entered fearlessly, and with ardor into their cause.

Matthew Ridley belonged to the old English border family of that name, originally from Tynedale, Northumberland, which is well known as claiming among its descendants the celebrated Bishop of London. His biographer, Gloucester Ridley, and the author of the Tales of the Genii, may also be mentioned as among its members.

Mr. Ridley came to America, for the first time, in the year 1770, and shortly afterwards established himself at Baltimore as a merchant. His private affairs compelled him to return to London

in the summer of 1775, but he carried with him a strong interest in the cause of the colonies, and watched their fortunes with an ardent sympathy. He was a member of the committee organized at London for the relief of American prisoners. In September, 1778, he went over to France, and established himself at Nantes in the American commission business.

In April, 1779, Mr. Ridley sailed for America and returned to Baltimore, the place of his former residence. In November, 1781, having been appointed by the State of Maryland its agent, to make a loan in Europe, he took ship for France, and succeeding, as before, in evading the British cruisers, landed safely at Brest. In July, 1782, he negotiated a loan of six hundred thousand guilders for his State, with the Messrs. Van Staphorst, of Amsterdam. In 1783, he was associated by Mr. Thomas Barclay with himself, in the commission to settle the accounts of the public officers abroad. In this capacity, however, he never acted. In March, 1784, he left France for England, and in the summer of 1786, returned to Baltimore. He died at that place on the 13th of November, 1789, at the age of 40. During the period that Mr. Ridley was abroad, he was much at Paris, and constantly associated with our ministers there, while at the same time he was in correspondence with Messrs. Robert and Gouverneur Morris, Chase, McHenry, and others. The following letter from Adams to him is connected with the events of that time.

"The Hague, October 8th, 1782.

"SIR,

"I received your favour of the 29th ult. with its enclosures, night before last. Great news indeed —enclosed is an answer. This day at noon I am to meet the lords, the deputies of their H. M., to sign the treaty. It has been delayed some time, in order to have the silver boxes for the seals made with suitable elegance and dignity, for the taste of these magnificent republicans. Too much of the dignity of this country, you know, consists in silver, and gold, and diamonds. As there will be five or six of these boxes, I hope Congress will coin them up to carry on the war.

"With great regard,

"Your humble servant,

"J. ADAMS."

The following extracts from Mr. Ridley's journal may not be without interest, as bearing upon the unfortunate dissensions of our foreign ministers at that time.

"1782. Tuesday, Oct. 29th. Called to see Mr. Adams,—dined with him. He is much pleased with Mr. Jay. Went in the morning to see Dr. Franklin. Did not know of Mr. Adams' arrival. Spoke to Mr. A. about making his visit to Dr. F. He told me it was time enough; represented to him the necessity of a meeting: he replied that there was no necessity; that, after the usage he

had received from him, he could not bear to go near him. I told him whatever the differences were, he would do wrong to discover any to the world, and that it might have a bad effect on our affairs at this time; he said the Dr. might come to him; I told him it was not his place; the last comer always paid the first visit; he replied the Dr. was to come to him, he was first in the commission. I asked him how the Dr. was to know he was there unless he went to him. He replied that was true, he did not think of that, and would go. Afterwards, when pulling on his coat, he said he would not, he could not bear to go where the Dr. was; with much persuasion I got him at length to go. He said he would do it, since I would have it so; but I was always making mischief, and so I should find."

The following extract from the same journal, presents the more agreeable spectacle of good-humour and harmony. It relates to the discussions between our ministers and the English commissioners, on the subject of the fisheries, immediately before signing the preliminary articles of peace.

"1782. Friday, November 29th. Dined at Mr. Adams'—in good spirits; asked if he (Mr. A.) would take fish at dinner? 'No,' laughingly, 'he had a pretty good meal of them to-day.' I told him I was glad to hear it, as I knew a small quantity would not satisfy him.

"In the evening I learned that every thing was going right, and that in all probability the whole would be finished to-morrow, off or on. I am well satisfied it will be *on*. All goes well, and we have all that can be wished. Mr. A. is well satisfied with Dr. F———'s conduct, and says he has behaved well and nobly, particularly this day."

In a long unofficial conversation, held between the Mareschal de Castries, Mr. Ridley, and Mr. Thomas Barclay, on the subject of commercial arrangements between France and America, there occurs the following language, which, made use of at such a time, enables us to form a very tolerable idea of the calibre of the French statesman. "He (the Mareschal) replied, as to the contraband trade, it would be their business to prevent it; that he should make arrangements in the marine for that purpose, and added the remarkable expression, "Nos colonies sont nos esclaves et il faut tâcher d'en tirer le meilleur parti." Of this stamp were the ministers of Louis XVI., whose services finally brought their king to a scaffold, and drove the French nation into all the vice and horror of the revolution.

CHAPTER XII.

1787—Livingston attends the Federal Convention—His Share in the proceedings of that Body—Ratification of the Constitution—Letter from Robert R. Livingston—Notices of him—Letter from Hamilton—Livingston receives Degree of LL.D.—Letter from Benjamin Harrison—Death of Mrs. Livingston—Livingston elected Governor for the last time—Dies, July 1790—His character.

We have already seen the anxiety felt by Governor Livingston for the welfare of the union at this time, and it is easy to conjecture the alacrity with which he accepted the appointment, adding him to the delegates already nominated by New-Jersey to represent that State in the Federal Convention—the body destined to be equally our glory and our safeguard.

Owing to the sitting of the Legislature, which required his presence, Livingston did not take his seat in the Convention till the 5th June, a week after they had entered upon the discussion of the objects of meeting; and from that time, with the exception of a necessary visit to "Liberty Hall," which was shortened by a pressing letter from his colleague Mr. Dayton, he was in constant attendance upon its deliberations.*

* From the 5th June to the 2d July, Mr. Livingston, as appears from a minute made by him, was in constant attendance

The share which he took in them, however, it is now difficult to ascertain. "Mr. Livingston did not take his seat in the Convention," says Mr. Madison,* "till some progress had been made in the task committed to it, and he did not take any active part in the debates; but he was placed on important committees, where it may be presumed he had an agency, and a due influence. He was personally unknown to many, perhaps most of the members,† but there was a predisposition in all to manifest the respect due to the celebrity of his name. The votes of New-Jersey corresponded generally with the plan offered by Mr. Paterson; but the main object of that being to secure to the smaller States an equality with the larger in the structure of the government, in opposition to the outline previously introduced, which had a reversed object, it is difficult to say what was the degree of power to which there might be an abstract leaning. The two subjects, the structure of the government, and the quantum of power for it,

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with the exception of a single day. Then, on the appointment of the first grand committee, thinking perhaps that the report would not be made as soon as it was, he went home; on the 19th of July he returned, and was again a regular attendant until the close of its sessions.

* MS. Letter of the 12th February, 1831.

† There were but eight in the Convention who had been in Congress at the time of the declaration of independence, Gerry, Sherman, Morris, Wilson, Franklin, Clymer, Wythe, and Read.

were more or less inseparable in the minds of all, as depending a good deal the one on the other. After the compromise which gave the small States an inequality in one branch of the Legislature, and the large States an inequality in the other branch, the abstract leaning of opinions would better appear. With those, however, who did not enter into debate, and whose votes could not be distinguished from those of their State colleagues, their opinions could only be known among themselves or to their particular friends."

The information contained in this letter is corroborated by the Journal of the Convention, and more especially by "The Secret Proceedings" of that body,* which leave no ground to believe that Mr. Livingston took any share of importance in its debates, though he was at the same time, as stated by Mr. Madison, usefully and actively employed. On the 21st August, we find him acting apparently as chairman of a committee appointed to consider the expediency of the assumption of the State debts by the Federal government, which reported in favour of the measure; and on the 24th, chairman of a committee to whom were committed certain portions of the draft of a constitution previously reported by the committee of detail.†

It may also be supposed that the proceedings of the New-Jersey delegation were generally sub-

* Albany, 1821.

† Journal of the Convention, Boston, 1819, pp. 261, 272, 276, 285.

jected to his supervision, less from the claims of his station, than that affectionate respect with which he was regarded by his fellow-citizens; and when, from the very imperfect but most interesting records which remain of the deliberations of this eminent body, we see how great was the diversity of opinion, how narrowly the members avoided the dangers by which they were surrounded, with what difficulty they shunned the scheme of a great national government, and how hardly they fixed upon any plan, too much importance cannot be given to the conduct of those who, whether from local attachment or sounder views, advocated the rights of the States, and supported the integrity of their governments. The "Jersey plan," as it was then termed, arranged by the delegates from Connecticut, New-Jersey, and Delaware, and in part from Maryland,* and presented by Mr. Paterson, extremely defective as it was in many points of view, still deserves all respect as the most prominent defence of the rights of the States—rights often carried to their utmost extent; sometimes, it may be, pushed beyond their just limit, but which, when not demanded in a factious spirit, will ever find ardent defenders among those who wish to preserve in all its harmony and beauty our present constitution.

Although Livingston must be supposed to have

* Vid. Luther Martin's speech to the Legislature of Maryland, prefixed to the "Secret Proceedings."

belonged to this party, he was satisfied with the concessions of the majority; and in September had the satisfaction of affixing his name to the national charter, immediately after which he returned to Elizabethtown. It cannot be regarded but as a happy termination to the public labours of a long life, that he should have had this opportunity of evincing in the most prominent manner his unchanged devotion to those principles for which he had risked, and would have sacrificed, every thing near and dear to him. In October, shortly after his return, he was again chosen governor by 47 out of 48 votes.

New-Jersey was the third State to ratify the new constitution, on the 18th December, 1787, being preceded only by Delaware and Pennsylvania, on the 7th and 12th of the same month, and Governor Livingston exulted in the unanimous vote by which it was adopted—a vote doubtless, in a measure, owing to his personal influence with the members of the State Convention. The gratification he felt both in this and in the final ratification of the new charter of union, is expressed in many of his letters. Writing to Dr. Joshua Lathrop, of Connecticut, under date of the 2d of August, 1788, he says,

"I thank you for your congratulations on the adoption of the new constitution by ten States. It was indeed real joy to me, who have long been anxious to see a more efficient rational govern-

ment than that of the confederation. You will have heard, before this comes to your hands, that New-York has made the eleventh. Some of their anti-federalists died hard; but since a pack of lazy fellows, mentioned in the gospel, who would not come to their work till the *eleventh* hour, received the same wages with those who came earlier, I believe we must forgive them." * * * *

In his message to the Legislature, of the 29th of August, 1788, he says,

"I most heartily congratulate you, gentlemen, on the adoption of the constitution proposed for the government of the United States, by the Federal Convention, and it gives me inexpressible pleasure that New-Jersey has the honour of so early and so unanimously agreeing to that form of national government, which has since been so generally applauded and approved of by the other States. We are now arrived to that auspicious period which, I confess, I have often wished that it might please Heaven to protract my life to see. Thanks to God that I have lived to see it."

Governor Livingston scarcely lived to see the commencement of that great constitutional struggle which, originating with the commencement of the new order of things, cannot be said to have even yet terminated; but there can be little doubt in the ranks of which party he would have enrolled

himself. He speaks in several of his letters with considerable asperity of the opposition to the proposed constitution; and it can scarcely be supposed that this opposition, although, after the formation of the present government, it certainly assumed a wholly different character, would ever have found him among its advocates. Had he lived, he would undoubtedly have attached himself to that party whose watch-word was "The Federal Constitution;" a party who, so long as led by men such as Washington and Jay, could never have intentionally perpetrated injustice, or designedly invaded the rights of others,—a body which, if the course of events has shown them to be deficient in political foresight—incorrect in their estimation of the genius of the government—too distrustful of the virtue and knowledge of the people, may fairly lay claim to as much integrity and patriotism as ever fell to the lot of the same number of men in any age or any country.

After the adoption of the new form of government, Livingston took no immediate or active interest in the affairs of the union; and though he continued to preside with equal fidelity over his own State, the demands which it made upon his attention were no longer all-engrossing, and he enjoyed in a greater degree the rural retirement he had so long coveted, but which had been so sparingly allowed him. His long-neglected folios were now once more dusted, and his workshop again occupied. A lathe and set of joiner's tools

supplied him with exercise within doors, and he took much pride in the skill with which he used them. "Come with me," he said to his daughter, "come and see how rich I am in real estate—how many houses I own." She followed him into his office, and found the table covered with a quantity of wren-houses, of his own manufacture, and which were afterwards put up around the house, as trophies of his ingenuity. This, together with the cultivation of his garden, fishing, and the instruction of his grandson, occupied his leisure; and had it not been for his domestic calamities and his own increasing infirmities, these last years would probably have been the happiest of his life. The following letter so well illustrates his occupations at this time, that I am tempted to give it entire.

"TO GOVERNOR LIVINGSTON.

"Clermount, 15th Nov., 1787.

"DEAR SIR,

"Having been informed that you are not successful in raising the green gage plumb, I send you two trees, from a stock that is remarkably hardy. I have now about twenty bearing trees, none of which are grafted, but are the ofspring of one that was raised from the stone, the shoots of which have furnished some hundred trees; as those I now send you will do if planted in a loose soil. The general complaint is that the fruit drops without ripening. I do not find this to be the

case with mine. I cannot help thinking that these trees, in most instances, suffer in common with a higher order of being from the ignorance of their physicians, who insist upon it that this disorder arises from too great a quantity of sap, or in other words from too much health, and accordingly direct a spare regimen, planting them in stiff soils, where they feed with difficulty; and lest they should not suffer enough from this, they cut their roots, choke them with stones, bind their bodies with bandages, and even go so far as to beat them, as if they believed the fruit of this tree, like that of religion, the ofspring of mortification. I have never yet heard that these prescriptions have been attended with success, and as they probably never will, it might not be amiss "for the college to alter them."

"Except man, I know of no animal that suffers from a plethora, nor would he, unless luxury had provoked his appetite to exceed its natural bounds. All others acquire additional health and vigour from plenty of food; the same holds good of vegetables, whose seed and fruit are most perfect when a sufficiency of food is afforded them. The plum is in no soil a very luxuriant tree, its growth is slow, and when it begins to bear, it is generally very heavily laden; as the fruit grows large, it makes a demand upon the roots for more sap than they can readily furnish, more especially as the droughts prevail at the very time this requisition is made; the circulation thus becoming more languid,

the fruit withers and drops for want of nourishment. If this theory is just, the remedy must be the reverse of that usually prescribed. I have accordingly planted most of my plumbs in the richest part of my garden (the natural soil of which is a light loam upon a sharp sand); the ground about them has been annually manured and dug. My trees scarce ever fail to ripen as much fruit as they can bear; and indeed this year, though carefully propped, many branches broke with its weight. I have some plumbs of different kinds on a hard clay, which neither yield so much, nor such good fruit, as those in my garden, besides that they take twice the time before they begin to bear. This convinces me that my theory is right, and has induced me to enlarge upon, in hopes (if it should not interfere with some system of your own) that it may be useful to you and your friends.

"I am, dear sir,
"With great respect and esteem,
"Your most obdt. hum. servant,
"R. R. LIVINGSTON."

Robert R. Livingston, the father of the writer of the above letter, a grandson of the first proprietor of the manor, was a justice of the supreme court of the colony of New-York, and member of the Stamp-Act Congress, in 1765. His son, bearing the same name, was one of the most eminent members of the family to which he belonged. He

was born in New-York, in 1747, and entered King's College. On taking his first degree, in 1765, excited, no doubt, by the stirring sounds of the political contest in which so many of his kinsmen were engaged, he delivered an oration *in praise of liberty.** He entered the office of his relative, the subject of this memoir, and not long after the expiration of his clerkship, in October, 1773, was made recorder of his native city. In April, 1775, he was elected a member of the second continental Congress, but does not appear to have attended the sessions of that body until the spring of the next year. Immediately after taking his seat, his name appears on the journal as a prominent member, and in June he was placed upon the committee appointed to draft the Declaration of Independence. Shortly after this he left Philadelphia, and was thus prevented from signing that document. Mr. Livingston does not appear to have been again a member of the national Legislature, until he was again returned by New-York, in 1780.

In August, 1781, he was appointed secretary for foreign affairs, which station he held for nearly two years, when he was made chancellor of the State of New-York. In 1788, he was a member of the State Convention, which met at Poughkeepsie, to decide upon the constitution, and was among the ablest of those who urged its adoption.

* Vid. Rivington's Gazette.

In the next year he was rewarded for his efforts, by having the good fortune to administer the constitutional oath of office to Washington, upon his inauguration as President.

In 1801, he was sent minister to the court of France, and assisted in negotiating the purchase of Louisiana. At the close of several years, passed in retirement at his seat at Clermont, on the Hudson River, Mr. Livingston died on the 26th February, 1813. Such are the principal incidents in the life of this eminent man; but this brief sketch would be very imperfect, were I not to notice his literary tastes; his fondness for agriculture and its kindred pursuits; and the ability displayed in the varied services which have identified his name with the history of the country.

The following extract of a letter from Governor Livingston to one of his grandchildren, who had been his pupil, may here find a place, not for the elegance of its Latinity, but for the warmth and truth of the feelings it expresses.

"NEPOTI SUO CHARISSIMO GULIELMUS LIVINGSTON, S.D.

"Magna cum voluptate (mi anime) tuas 3tii Januarii accepi et perlegi; non solum quia tuas, et a te, sed præsertim quia in illis argumentum præbuisti validissimum quod studiis tuis diligenter incumbis. Id me tamen ægre habet quod nunc te mihi adire sævitia temporis obstaret. Hyems enim, hyemis que progenies, nix et glacies et procellæ frigusque; ne res modo gereretur prohibent.

Quando autem solveretur tempus hyemale grata vice veris et neque jam stabulis gauderet pecus aut arator igni, nihil me potius erit quam officiosus ad me aditus tuus; hilaresque hos dies (mi parvule!) animante Deo, vel ambulando, venando, pisces captando, aut equitando carpemus."

In June, 1788, Governor Livingston, at the application of Mr. Matthew Carey, of Philadelphia, who was then conducting the periodical entitled The American Museum, undertook to assist him as well by his recommendation, as by supplying him with contributions. During the course of this and the next year, he sent several essays, which were published in that work, partly at the time, and partly after his death. Some of these pieces had, however, appeared before, being taken from the Independent Reflector and his other publications, and they will not therefore demand our particular notice at this time.*

* Governor Livingston's contributions to the American Museum, according to information very obligingly communicated to me by Mr. Carey, may be found in the volumes and under the pages following of the American Museum.

Vol. v. p. 100, 295, 371.
" viii. " 176, 233, 254.
" ix. " 9, 72, 143, 241.
" x. " 17, 68, 209, 210, 211.

In the Appendix to vol. viii. p. 17, I find the following verses to his memory.

"O! frail mortality, behold thy doom!
Heroes and sages crowd the narrow tomb,—

The following letter from Hamilton to Governor Livingston is strikingly illustrative of the adroitness and statesmanlike address mingled with the more chivalric qualities of that great man.

"August 29th, 1788.

"DEAR SIR,

"We are informed here, that there is some probability that your Legislature will instruct your delegates to vote for Philadelphia, as the place of the meeting of the first Congress under the new government. I presume this information can hardly be well founded, as upon my calculations there is not a State in the union so much interested in having the temporary residence at New-York, as New-Jersey. As between Philadelphia and New-York, I am mistaken if a greater proportion of your State will not be benefited by having the seat of the government at the latter than at the former place. If at the latter too, its exposed and eccentric position will necessitate the early establishment of a permanent seat; and in passing south, it is highly probable the government would light upon the Delaware in New-Jersey.

The vet'ran Putnam bows his laurell'd head,
And beckons sages to the mighty dead.
Franklin obeys and treads the shadowy shore,
And the good Livingston is now no more.
His mighty soul, unwilling to remain,
Elated, rush'd to join th' illustrious train."

The northern States do not wish to increase Pennsylvania by an accession of all the wealth and population of the Fœderal city. Pennsylvania herself, when not seduced by *immediate possession*, will be glad to concur in a situation on the Jersey side of the Delaware. Here are at once a majority of the States; but place the government once down in Philadelphia, Pennsylvania will of course hold fast; the State of Delaware will do the same. All the States south, looking forward to the time when the balance of population will enable them to carry the government farther south (say to the Potomac), and being accommodated in the mean time as well as they wish, will concur in no change. The government, from the delay, will take root in Philadelphia, and Jersey will loose all prospect of the Fœderal city within her limits. These appear to me calculations so obvious, that I cannot persuade myself New-Jersey will so much oversee her interest as to fall in the present instance in the snares of Pennsylvania.

"With the sincerest respect and regard,

"I remain, dear sir, your obedient servant,

"A. Hamilton.

How much is it to be regretted that the petty State jealousies brought to bear upon this question could not have been overruled by a sense of common advantage, and that the Federal metropolis could not have been identified with either of our large commercial cities. Of what moment

are a few miles nearer to the centre in an empire already striding towards the Rocky Mountains? The injurious effect apprehended from contact with a wealthy city, has been ill-exchanged for those unpolished and licentious modes of life which necessarily result from the want of a high and permanent tribunal of public opinion; and we have been forced into expenses unwarranted by our institutions, and wholly disproportionate to any thing which we see around us, by the wild scheme of founding a city to carry into effect a government.

In this year the faculty of Yale College, at their annual commencement, conferred upon Governor Livingston the degree of Doctor of Laws, "as a testimony," says President Stiles in his letter of the 17th November, "of their high respect for your literary and political merit, and the distinguished honour to which your great abilities and fervent patriotism have elevated you, both in the republic of letters and in political life." It will be remembered, that forty years ago the honours conferred by literary institutions were less widely distributed, and conveyed higher distinctions than at present. At the election for governor in October, Livingston again received a grateful tribute of respect and affection in an unanimous vote. Shortly after this, at the moment he was leaving Princeton, he suffered a serious injury by the breaking of the high steps, then used to enter the stage wagons, and this "impar congressus," as he terms it in one of his letters, "of the bones of an old

man with an iron-bound wheel," affected his health during the remainder of his life.

Governor Livingston was about this time talked of by some of his friends, both in New-York and New-Jersey, as a candidate for the Vice-Presidency of the United States, under the new government. John Mehelm, who had been long a member of the Legislature, and at one time speaker of the Assembly, thus writes to him under date of the 20th February, 1789. "It is said your Excellency had the votes of this State for the Vice-Presidency, and I do not know whether to be pleased or displeased with it. If you was not governor of Jersey, I should heartily acquiesce in your having the votes of the thirteen States for that appointment." Thus the very affection of his fellow-citizens might have deprived him of the votes upon which he could be supposed able with certainty to count. The following letter, written about this time by one of the prominent men of the Congress of 1776, may be read with interest.

"TO GOVERNOR LIVINGSTON.

"Virginia, February 16th, 1789.

"MY DEAR SIR,

"The friendship you formerly honoured me with, and the confidence I still have in it, will I hope excuse me to you, for asking the favour of you to assist me with your interest, with the senatorial delegates of your State in Congress, for the appointment of naval officer for the district of Norfolk and Portsmouth in this State. The being a

placeman is a line I never expected to walk in, but the distresses brought on me by the ravages and plunderings of the British, have reduced me so low that some prop is necessary, for the comfort of a numerous and valuable family. That I have some claims on the American States, you, my friend, know, as many of my long services were familiar to you; which services, together with my strong attachment to the American cause after my return from Congress, marked me out as a peculiar object of British vengeance; and which they did not fail to execute in the most outrageous manner, when the fortune of war put my whole estate in their power. I take the liberty to enclose you a letter to the gentlemen, which you'll be so obliging as to forward to them in any manner you shall please.

"I have the honour to be, with the most perfect sentiments of friendship and esteem, dear sir, your Excellency's most obedient and humble servant,

"Benj. Harrison.

In the summer of the year 1789, the disorders of Mrs. Livingston, which had for several years previous assumed a more and more threatening complexion, terminated fatally. She died on the 17th July. Her simple and unpretending character furnishes scanty materials for history; but her sound sense, her devotion to her husband, and sympathy in all his pursuits, and her maternal tenderness, singularly free from every tincture of self-

ishness, claim more than a passing notice. Her death, although it might have been for some time expected, was a severe shock to her children, and even more so to her husband. The family letters, written about this period, show that his grief at this separation from her who had shared in all the anxieties of a long and toilsome life continued unabated, and that it accelerated the progress of his own disease. For the year following, his spirits flagged, and a marked difference was perceptible in his temper. It appeared chastened and subdued. What the vicissitudes of fifty years had not effected, heartfelt sorrow at one stroke accomplished, and he scarcely on any subsequent occasion manifested that irritability which, as I have often had occasion to say, was a constituent of his character.

At the election in the fall of this year, Abraham Clark, one of the signers of the Declaration of Independence, and at this time a leading anti-federalist, was put up as the rival candidate; but Governor Livingston was, as usual, re-elected.* It

* Abraham Clark, originally I believe a surveyor, was, it is said, a man of strong, shrewd mind. He was for a long time connected with the State or Federal government; but is perhaps, best known, at least in his own State, by the act which he introduced into the New-Jersey Legislature about this time, to do away or simplify the English legal technicalities, and commonly called "Clark's Practice-Law." It was a favourite scheme with him. "If it succeeds," he said, "it will tear off the ruffles from the lawyers' wrists."

was for the last time, but no political opposition or intrigue was destined to remove him from the office which he seemed to hold by the tenure of his life alone. "Hoc sacrum plane et insigne est," says Pliny,* speaking of the office of augur, "quod non adimitur viventi."

On the 12th of June, 1790, Governor Livingston returned from Amboy to Elizabethtown, complaining of an oppression on his breast, which soon afterwards proved to be the dropsy, attended by a severe cough. Doctor Bard, of New-York, was called in; the aid of medicine, however, only served to prolong his sufferings a few days. His disorder was of a peculiarly harassing character, but he bore it with a patience which the excitability of his temper would not have given reason to expect. That religion, which when invoked truly is never invoked in vain, sent down her messengers of peace to tranquillize these trying moments. The following extracts from letters written about this time, with the greatest facilities of observation, will convey the best idea of the closing portion of his life.

"The more I reflect on the patience and fortitude with which he supported his last illness, the more I am astonished at it; he never uttered a complaining word: the most he ever said, was, 'I can't hold it long if I do not get relief.' I have

* Ep. iv. 8.

often reflected on a line of his, written in early life.

'For I, who know to *live*, would never fear to *die*.'*

When they would tell him how much better he looked, 'A strange misunderstanding between the looks and feelings,' he would say: he often said 'God's will be done!' and would tell me, I had done all I could; I must leave the event to Providence.——He supported his illness with uncommon patience and resignation: the last day of his life, I asked him if he was in much pain; he answered, 'No, none at all.' Whenever we asked how he felt, the answer was 'Weak, very weak.' The cough left him a considerable time before his death; after which he could lie in bed, and that was a great relief; before that period he sat night and day in the easy chair."

"Who," says Fox, "so well endures any of the various ills that flesh is heir to; who so peacefully resigns the existence which we hold but in dependence and on trust from our Creator, Lord, and Judge; who so wisely, and usefully, and happily employs the longest and most prosperous life, as he who acts on lessons of prudence—whose reason rusts not in neglect, nor is perverted by abuse—who acquires the habitual control of his passions—in whose understanding the great truths of religion

* Philosophic Solitude.

are enshrined, and in whose heart and life they bear their fruits of righteousness and peace? He really best enjoys what is good here, and he lays up an unfailing security against the time to come, by which, when mortality flits from his grasp, he lays hold on the true and everlasting life."*

The painful scene was at length closed; on Sunday, the 25th of July, 1790, Governor Livingston died. His remains were interred at Elizabethtown with those of his wife, and in the course of the following winter, were removed to the vault of their son Brockholst, in New-York. William Paterson succeeded Livingston in his office, while not a dissenting voice was heard throughout New-Jersey to the tribute of respect, regret, and sympathy offered to the memory of their deceased chief-magistrate.

The period of Governor Livingston's death was fortunate for himself. He lived long enough to see the last seal set to the independence of the country in its new constitution, and the guidance of its energies in the hands of the individual whom he most esteemed. He did not live to see the

* Sermon preached at the Unitarian Chapel, Parliament Court, 16th February, 1823, by W. J. Fox. I cannot resist the temptation to offer my humble tribute of respect to the writing and preaching of this eminent man; it is not necessary to agree with him in his speculative views, to admire the expansion of his intellect, the enlargement of his benevolence, his ardent piety, and the vigor and fervor of his eloquence.

unprecedented violence of that storm which so long convulsed the republic, rending asunder old friendships, uprooting reputations apparently the best founded, and which would probably have swept him from the eminence, that, as it was, he occupied till the time of his death. He died in possession of all the honors he had received;—all it was in the power of the State to bestow, and with a character unsullied, even by the breath of faction.

The narrative portion of this memoir is now closed; and in completing my task by grouping together in the few pages that now remain, the prominent traits of Livingston's character, I shall endeavour to confine myself to a mention of those attributes, the evidence of which may be found in what has been already presented to the reader.

Active life does not appear to have been Livingston's preference, although it is true that in his youth he showed more taste for the turmoil of contest and controversy than he afterwards exhibited. Necessity drove him into the bustle of a profession, and at the moment when he intended apparently to withdraw himself altogether from public life, the revolution broke out. In the contest that followed, he would have wanted virtue that had remained idle; and the demand for talent, honesty, and energy soon forced the subject of this memoir to the conspicuous station which he so long filled. But all his tastes were pure, simple,

and averse to the tumult of the crowd. His library within doors, and his fishing-rod or spade without, occupied his leisure.

Under the colonial government, we have seen Livingston the strenuous opponent of abuse of power; after the revolution, he adapted himself with equal promptitude and success to the part he was called upon to perform. He belonged strictly to that class of men who may with equal propriety be called either the parents or the children of the revolution—the first by their precepts and example to bring about the change, and the most sedulous in discharging the new and arduous duties imposed by that change. It is not too much to say that few could have supplied Mr. Livingston's place in New-Jersey during the first years of the war. The faith of the people, harassed by the inroads of the enemy on one side, and by the pecuniary demands of their own government on the other, wavered; but the moral qualities of their first governor commanded their affection and respect, more perhaps than even his intellectual superiority, and during the whole struggle he was the leader of the whig party in that State.

Governor Livingston took office with apparently but one prominent object: the good of the country. He nearly abandoned all attention to his private affairs. "My family," he says in November, 1780, "for these four years past have not had fourteen days of my assistance." "My friends in Philadelphia," he writes to his daughter in February, 1781,

"are greatly mistaken if they think that the recess of the Assembly is recess to me." Though the very antipode of a demagogue, with no desire and evincing perhaps at critical moments too scrupulous a hesitation to stretch his power beyond its just limits, he so exerted himself as to win the affection, and on most occasions, draw forth the whole disposable strength of his State. "If any necessity," he says in a letter to F. L. Lee, of the 7th January, 1778, "demands any measures contrary to the law, I hope those measures will be executed by officers who never have been sworn to act agreeable to it." Like other prominent men of the day, he made great personal sacrifices in the common cause. His house was several times attacked, and once partially pillaged; his family were repeatedly in the power of an insolent, if not brutal soldiery, and the constant rumors of attacks upon his own person disturbed his quiet. His fortune was so much impaired by the operation of the depreciated currency, as to be reduced to a third of what it was when he went into the State of New-Jersey; and had it not been for the extensive lands inherited from his father, he must have left to his children scarcely any other estate than that of his reputation.

The prominent feature of Mr. Livingston's character appears to have been truth, taken in its widest and most ennobling sense—that truth which enabled him to form a just conception of the various and harassing duties imposed upon him, and

at the same time gave him the power to execute them rightly.

His impartiality in the exercise of his office was of the most absolute character. His straight-forward independence neither bent before the turbulence of public, nor yielded to the blandishments of private life. It would be, I believe, impossible to meet with a single instance in which the constant importunities by which he was urged to make exceptions to his established rules, on the subject of passes, or the transportation of goods across the line, had the least effect. On this point, his letter-books furnish abundant proof. No friendship could divert or mislead him from a line of duty once laid down for himself. His nearest relatives could expect no greater indulgence than the most indifferent stranger might claim. In his punishments, though generally long delayed, and always unwillingly inflicted, he was equally unbiased by any personal motive.

These qualities sprang from that love of religion which unostentatiously, but intimately, was incorporated with his whole character. With this also was associated that charity, "the vertical top of all religion,"* which is its natural growth, and when unchecked by false teaching, or unfortunate experience, its inseparable attendant. Satisfied of the sincerity and correctness of his own faith and principles, he laid little stress upon the various and

* Jeremy Taylor.

adverse tenets of others. The harshness of his early writings, which would appear to form an exception to this, has been sufficiently accounted for in its proper place. His religious creed was interwoven with his political belief, and he contended no less for civil than religious liberty. Even towards the Quakers, who, by a narrow construction of a benevolent dogma, held themselves bound to keep aloof from that struggle, in which he knew of no excuse for inactivity, he showed a wise and tolerant spirit. He strictly enforced the laws to which they were obnoxious, regarding them, however, not as a religious sect, but as obstructing the administration, and by his correspondence with more than one of their persuasion, endeavoured so far as lay in his power to remove their scruples, and to win their attachment to the government.

We have seen the animosity expressed by Livingston towards the British during the war, but the hostile feelings and bitter tone ceased with their cause. The case of Mr. Kempe shows how speedily he forgot national wrongs in his desire to benefit individuals. He appears indeed always to have been ready to make those sacrifices of his time, at the demand of private persons, for refusing which, a disposition less complying would have easily found excuse in the absorbing claims of his office. It is worthy of notice, that when after the peace, Doctor Chandler returned to Elizabethtown, worn down by age and disease, these two antagonists, who for the third of a century had been ranged on opposite sides of

all the great questions which had agitated the world, and who for a part of that time had been personal opponents, were in the habit of visiting each other, in the most unembarrassed and cordial manner.*

Straitened as Mr. Livingston was in his circumstances during the war, he at all times pushed his generosity to the limit of prudence. In a letter to his brother, of September, 1785, speaking of an unexpected claim presented by the latter, which Livingston shows him could not be sustained, either at law or in chancery, he goes on to say, "But there is, my dear brother, a better tribunal than either of these, at which I hope that both you and I may ever regulate our conduct, and that is the heart of an honest man. According to that, I think I ought to make you an equitable allowance." Although very economical in his own habits, he was inexcusibly careless in money transactions; and it is mentioned as an instance of his inattention to these matters, that when his daughter left home in the fall, to remain in New-York till spring, he gave her a half Joe (eight dollars) to defray her winter expenses. Mrs. Livingston was always called upon to rectify these and similar inadvertencies, for which her accurate and methodical habits of mind well qualified her.

Livingston appears to have had but little vanity, either as a private or public man. His real learning and the quaint style of the day, sometimes

* Chandler died in July, 1790. Allen's Biog. Dict.

give his writings an air of formality, which might be mistaken for pedantry; but on a close examination, his character bears few, if any traces of affectation. His conversation was entirely free of egotism. As governor, he despised, and altogether threw off the state, which his predecessors under the crown had assumed, and thus early adapted himself to the rapidly changing tastes of the people. Nor does this appear to have sprung so much from necessity as inclination. He was plain and indifferent, almost to slovenliness, in his dress. He was accustomed to work in his garden like a common laborer; and there is an anecdote related of a Jerseyman who came to see him for the first time, on business, and was told by a person occupied with a spade, and looking very like a gardener, that he should be called. The applicant seated himself in the parlor, and when the governor entered, was somewhat surprised to find that the gardener was, with the addition of only a coat, the high dignitary whom he had ventured to approach. The simplicity and consistency of his character struck the republican mind of Brissot, who passed through New-Jersey in 1788. "You may have an idea," he says to his correspondent, "of this respectable man, who is at once a writer, a governor, and a ploughman, on learning that he takes pride in calling himself a New-Jersey farmer."*

* Brissot's Travels, Trans. Letter VI.

In his family, Livingston was a fond husband, and a generous father, ready at all times to make every sacrifice which the welfare of his children demanded; while at the same time it is not to be denied that a temper, originally irritable, and rendered more so by the difficulties and responsibility of his situation, was sometimes less restrained in his domestic circle, than where it was checked by the presence of strangers. An extreme sensitiveness to noise; an occasional unwillingness to converse when not excited by society; and a sensibility more quickly manifested with regard to trifling vexations than serious evils, sometimes threw a gloom over the fireside of Liberty Hall: but these original defects of temper, which not even his habitual religious feeling could thoroughly eradicate, were all forgotten by his family in their sense of his affection, generosity, and sympathy in their happiness. "Nam Phædro nihil elegantius, nihil humanius, sed stomachabatur senex, si quid asperius dixeram."* The same inherent nervousness may be discerned in his timidity on the water; and perhaps in his susceptibility on the subject of the attempts to waylay him. No want of moral courage or firmness can, however, be traced in his actions; these sallies of temper were never allowed to influence his conduct. The drafts of his answers to pertinacious applicants,

* Cic. Nat. Deor. i. 33.

for passes or other improper privileges, exhibit striking, and sometimes laughable discrepancies between the first outbreak of his petulance at being obliged to repeat an answer, already in more than one shape repeatedly given, and the alterations made in cooler moments.

Governor Livingston's temper was usually playful—he was extremely fond of children, and took delight in making their amusements his own. In a letter to his son-in-law, Mr. Ridley (10th March, 1788), speaking of a family visit, which he wishes his children and grandchildren to make him, he says—"Suppose in reality that you and ———, and ———, and Mr. and Mrs. Jay, and ———, should come to Liberty Hall next cherry-time; why, then, what with my romping with some upon the piazzy, and shooting robbins with others out of the mazzard-trees, and talking and walking with the elder boys and girls, and their fathers and mothers round the table, I *pertest* (as some ladies say), that I would not exchange such a scene of happiness for any gratification of the Grand Seignior." It is rare that the age of sixty-five retains so well the fresh and flexible sympathies of youth.

"Of children," says Governor Livingston, "I have had to the number of these United States." Six died during his life time. He was considerably above the middle stature, and in early life, so very thin as to receive from some female wit of

New-York, perhaps in allusion to his satirical disposition, the nickname of the "whipping-post." In later years he acquired a more dignified corpulency. Speaking of himself, in the language of one of his opponents in the American Whig (1768), he says, "The Whig is a long-nosed, long-chinned, ugly-looking fellow." The profile at the beginning of this volume corroborates this candid confession.

The character of Governor Livingston's writings has been sufficiently discussed. Of his scholarship, it may be said that it was distinguished in days when scholarship was more common. Greek he abandoned early in life, but of the Latin he retained a familiar knowledge; the French and Dutch he read with great facility, writing them both with considerable ease, though without elegance. With the literature of his own language, he was intimately acquainted. In polemical divinity, a study now fallen into considerable disrepute, he was also well read. His religious taste and readings tinge most of his literary productions, which often borrow point and eloquence from the rich treasure-house of scriptural allusions and quotations. His skill in literature was not confined to the closet or his own gratification; we have seen it rendering more effective his exertions directed to Holland; and in his own country, he was active in supplying the want of instruction in the different States, to do which he was more than once requested; while at the same time as trustee *ex-officio* of Princeton

and Rutgers Colleges,* he exercised a supervision over the literary interests of New-Jersey.†

My task is here completed, and I have now finished such a Memoir of Governor Livingston as the distance of time and my scanty materials have left it possible to compile. I do not allow myself to believe that it will possess sufficient interest to recommend itself to the mass of the reading public. I shall be satisfied, as I have already said, if this effort to give a more accurate idea of the services of one of the agents of the revolution prove acceptable to those who, whether from the ties of blood, or a greater familiarity with the history of that period, may be not altogether indifferent to such an attempt.

* I am not certain as to this with regard to the later institution.

† The following is a list of Governor Livingston's works, according to their dates.

The Art of Pleasing.

Philosophic Solitude, 1747.

The Independent Reflector, 1752–53.

The Watch Tower, 1754–55.

Digest of N. Y. Laws, 1752–62.

Review of Military Operations, &c., 1756.

Eulogium on Rev. Aaron Burr, 1757.

Essays under the title of *The Sentinel*, 1765.

Letter to Bishop of Llandaff, 1767.

The American Whig, 1768–69.

Lieut. Governor Colden's Soliloquy, 1770.

Essays under the signatures of *Hortentius*, *Scipio*, and the title of *Primitive Whig*, in the New-Jersey Gazette, 1777–86.

Essays in the American Museum, 1788–90.

In drawing up this narrative, I have endeavoured to leave nothing to conjecture, with the view of adding to the reputation of the subject of it. I have put no material fact out of sight, nor laid stress upon any thing but what I have considered certain. In sketching his character, I am not aware that I have palliated any fault, or magnified any virtue, for the purpose of gratifying those more immediately interested in his reputation; and I have endeavoured to prevent the more excusable motive of personal partiality from infusing its bias into this work. With the same desire to avoid exaggeration which has guided me throughout, I believe that truth is not violated by closing this volume in the words with which it opens, applying to William Livingston, with but a trifling alteration, the high eulogium of the Roman historian—"citizen, senator, husband, father, friend; equal in all the stations of life, contemning riches, pertinacious in well-doing, unmoved by fear."

APPENDIX.

APPENDIX.

PAGE 99.

THE scheme referred to by Mr. Livingston in this letter for uniting the colonies fell through, as is well known. Although he does not appear to have had any connexion with it, the subject is of so much interest in relation to the history of the country, that no apology is necessary for inserting here three letters, which convey more accurate information respecting it than is anywhere to be found. They are from the large collection of manuscripts in the possession of our Historical Society, the value of which is far too little known.

The two first are in the hand-writing of a clerk, and seem to have been copied about the time they bear date. The third, which sufficiently authenticates them, is in the peculiar autograph of Colden, and not to be mistaken.

The first is from Franklin to James Alexander, an eminent lawyer of New-York, for some notices of whom see Chapter II. of this volume.

"Short hints towards a scheme for uniting the Northern colonies

"A GOVERNOUR GENERAL,

"To be appointed by the king.

"To be a military man.

"To have a salary from the crown.

"To have a negation on all acts of the Grand Council, and carry into execution whatever is agreed on by him and that Council.

"GRAND COUNCIL.

"One member to be chosen by the Assembly of each of the smaller colonies, and two or more by each of the larger, in proportion to the sums they pay yearly into the general treasury.

"MEMBERS' PAY.

"—— shillings sterling per diem, during their sitting, and mileage for travelling expenses.

"PLACE AND TIME OF MEETING.

"To meet —— times in every year, at the capitol of each colony, in course, unless particular circumstances and emergencies require more frequent meetings, and alteration in the course of places. The governour-general to judge of those circumstances, &c., and call by his writts.

"GENERAL TREASURY.

"Its fund, an excise on strong liquors, pretty equally drank in the colonies, or duty on liquor imported, or —— shillings on each licence of publick house, or excise on superfluities, as tea, &c. &c. All which would pay in some proportion to the present wealth of each colony, and encrease as that wealth encreases, and prevent disputes about the inequality of quotas. To be collected in each colony and lodged in their treasury, to be ready for the payment of orders issuing from the governour-general, and grand council jointly.

"DUTY AND POWER OF THE GOVERNOUR-GENERAL AND GRAND COUNCIL.

"To order all Indian treaties. Make all Indian purchases not within proprietary grants. Make and support new settlements, by building forts, raising and paying soldiers to garison the forts, defend the frontiers, and annoy the ennemy. Equip grand vessels to scour the coasts from privateers in time of war, and protect the trade, and every thing that shall be found necessary for the defence and support of the colonies in general, and increasing and extending their settlements, &c.

"For the expence, they may draw on the fund in the treasury of any colony.

"MANNER OF FORMING THIS UNION.

"The scheme being first well considered, corrected, and improved by the commissioners at Albany, to be sent home, and an act of Parliament obtained for establishing it.

"New-York, June 8, 1754.

"Mr. Alexander is requested to peruse these hints, and make such remarks in correcting or improving the scheme, and send the paper with such remarks to Dr. Colden for his sentiments, who is desired to forward the whole to Albany, to their

"Very humble servant,

"B. FRANKLIN."

The next letter is from Alexander, and apparently (though the address is wanting) to Dr. Cadwallader Colden, afterwards lieutenant-governor of the colony. It is evidently misdated, probably by the blunder of the copyist, and should be of *June* instead of May.

"New-York, May 9th, 1754.

"DEAR SIR,

"I communicated yours of May 16th and 28th, and my answers to Mr. Pownal, Mr. Peeters, and Mr. Franklin.

"Before I communicated them to Mr. Pownal, he had thought of forewith building one vessel of force, and sundry small vessels to attend her, to prevent the boarding of the larger by cannoes and percagoes, upon Lake Ontario, and on the many good consequences of that scheme—when I told him you had thought on nearly the same thing, which introduced the communicating them to him.

"I had some conversation with Mr. Franklin and Mr. Peeters, as to the uniting the colonies, and the difficulties thereof by effecting our liberties on the one hand, or being ineffectual on the other. Whereon Mr. Franklin promised to set down some hints of a scheme that he thought might do, which accordingly he sent to me to be transmitted to you, and it's enclosed.

"To me, it seems extreamly well digested, and at first sight avoids many difficulties that had occurred to me.

"Some difficulties still remain. For example, there cannot be

found men tolerably well skilled in warlike affairs to be chosen for the Grand Council, and there's danger in communicating to them the schemes to be put in execution, for fear of a discovery to the enemy—whether this may not be in some measure remedied by a council of state, of a few persons to be chosen by the Grand Council at their stated meetings, which council of state to be allways attending the governour-general, and with him to digest beforehand all matters to be laid before the next Grand Council, and only the general, but not the particular, plans of operation.

"That the governour-general and that council of state issue orders for the payment of monies, so far as the Grand Council have beforehand agreed may be issued for any general plan to be executed. That the governour-general and council of state at every meeting of the Grand Council lay before them their accounts and transactions since the last meeting, at least so much of their transactions as is safe to be made publick. This council of state to be something like that of the United Provinces, and the Grand Council to resemble the States General.

"That the capacity and ability of the persons to be chosen of the council of state and Grand Council, be their only qualifications, whether members of the respective bodies that chuse them or not. That the Grand Council, with the governour-general, have power to encrease, but not to decrease the duties laid by act of Parliament, and have power to issue bills of credit, on emergencies, to be sunk by the encreased funds, bearing a small interest, but not to be tenders. I am, dear sir,

"Your most obedient, and most humble servant,

"JA. ALEXANDER."

The following is written from Colden's country-seat, near New-York, and, as I have already said, in his handwriting, though not signed by him.

"TO BENJ'N FRANKLIN, ESQ. AT ALBANY.

"Coldingham, June 20th, 1754.

"SIR,

"I inclose the papers which I received from Mr. Alexander, to be conveyed to you by the first opportunity to Albany. You

will find that I make remarks with that freedom which I believe you expect from me, that in case you find any weight in any of them, you may make your scheme more perfect, by avoiding reasonable exceptions to it, and have the pleasure of adding this to the many other well received schemes which you have formed for the benefit of your country. I hope, in your return home from Albany, you may have time to stop a day or two at my house, as you seldom can miss a passage from hence to New-York, if it should be inconvenient for your sloop to wait so long. By this you will give a very great pleasure to * * *

"Remarks on short hints towards a scheme for uniting the northern colonies.

"GOVERNOUR-GENERAL.

"It seems agreed on all hands that something is necessary to be don for uniting the colonies in their mutual defence, and it seems to be likewise agreed that it can only be don effectually by act of Parliament. For this reason I suppose that the necessary funds for carrying it into execution, in pursuance of the ends proposed by it, cannot be otherwise obtained. If it were thought that the Assemblies of the several colonies may agree to lay the same duties, and apply them to the general defence and security of all the colonies, no need of an act of Parliament.

"Qu. Which best for the colonies; by Parliament, or by the several Assemblies?

"The king's ministers, so long since as the year '23, or '24, had thoughts of sending over a governour-general of all the colonies, and the Earl of Stairs was proposed as a fit person. It is probable, the want of a suitable support of the dignity of that office prevented that scheme's being carried into execution, and that the ministry and people of England think that this charge ought to be born by the colonies.

"GRAND COUNCIL.

"Qu. Is the Grand Council, with the governour-general, to have a legislative authority? If only an executive power, objections may be made to their being elective. It would be in a great measure a change of the constitution, to which I suspect the

crown will not consent. We see the inconveniences attending the present constitution, and remedies may be found without changeing it, but we cannot foresee what may be the consequences of a change in it. If the Grand Council be elected for a short time, steady measures cannot be pursued. If elected for a long time, and not removeable by the crown, they may become dangerous. Are they to have a negative on the acts of the governour-general? It is to be considered that England will keep their colonies, as far as they can, dependent on them, and this view is to be preserved in all schemes to which the king's consent is necessary.

"PLACE AND TIME OF MEETING.

"It may be thought dangerous to have fixed meetings of the Grand Council, and all the colonies at certain times and places. It is a privilege which the Parliament has not, nor the privy council, and may be thought destructive of the constitution.

"GENERAL TREASURY.

"Some estimate ought to be made of the produce which may be reasonably expected from the funds proposed to be raised by duties on liquors, &c., to see whether it will be sufficient for the ends proposed. This I think may be done from the custom-houses in the most considerable places for trade in the colonies.

"MANNER OF FORMING THE UNION.

"No doubt any private person may, in a proper manner, make any proposals which he thinks for the public benefite; but if they are to be made by the commissioners of the several colonies, who now meet at Albany, it may be presumed that they speak the sense of their constituents. What authority have they to do this? I know of none from either the Council or Assembly of New-York.

"However, these things may be properly talkt of in conversation among the commissioners for further information, and in order to induce the several Assemblies to give proper powers to commissioners to meet afterwards for this purpose."

PAGE 171.

SIR GUY CARLETON TO GOV. LIVINGSTON.

"Head-quarters, New-York, 7th May, 1782.

"SIR,

"Colonel Livingston will have the pleasure of placing this letter in your Excellency's hands. His enlargement, sir, has been the first act of my command, being desirous, if war must prevail, to render its evils as light as possible to individuals.

"It would be as difficult as it seems useless to trace from what first injuries those acts of retaliation, public or private, which have lately passed, are derived; but it is highly important that the practice itself should be brought to the most speedy conclusion, without which we shall all be involved in one common dishonour. Thus impressed, I cannot help earnestly wishing that you may find yourself disposed to recommend this point, which humanity so much requires, to the deliberations of your Assembly. The acts to which I allude having passed in your province, and I, for my part, shall gladly meet you upon the ground of any regulation, which may take from us this reproach; and if any reciprocal engagement shall be required of me, I shall be ready to adopt any measures which may be thought effectual to this end, fully sensible that acts of private passion and resentment, though productive of much unnecessary evil, contribute nothing to public and general decisions. What I have here proposed, sir, are the arrangements of war; but I shall be truly happy if any pacification can be obtained, which may be equally safe and honourable to all.

"I transmit herewith certain papers which will show your Excellency the disposition of the government and people of Great Britain. From the facts which your Excellency will thence collect, you may judge what further consequences must speedily follow. I have the honour to be, with much respect,

"Your Excellency's most obedient servant,

(Signed) "GUY CARLETON."

THE END.

92
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William Livingstone
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